

CHINA COUNTRY REPORT

OCTOBER 2003

COUNTRY INFORMATION & POLICY UNIT

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1. SCOPE OF DOCUMENT

1.1. This report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2. The report has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3. The report is referenced throughout. It is intended for use by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4. It is intended to revise the reports on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2. GEOGRAPHY

Geographical Area

2.1. The People's Republic of China (PRC) is situated in eastern Asia and is bordered by the Pacific Ocean in the east. The third largest country in the world, it has a land area of 9.6 sq. km, one fifteenth of the world's landmass. It has land borders with Mongolia and Russia to the north; Tajikistan, Kyrgyzstan and Kazakhstan to the north-west; Afghanistan and Pakistan to the west; India, Nepal, Bhutan, Myanmar, Laos and Vietnam to the south; and North Korea in the north-east. Administratively China is divided into 22 provinces, five autonomous regions, four municipalities and 2 special administrative regions. Its capital is Beijing sometimes referred to as Peking. **[1a][20an.][20ab. is a map]** The English Language edition of the People's Daily newspaper contains a useful summary of all 22 provinces. Please note this is a semi-official newspaper and therefore includes Taiwan (Republic of China, ROC) as a province of the PRC. (See *Taiwan* for an explanation as to why) <http://english.peopledaily.com.cn/china/19990914A103.html>

2.2. China is often described as a three-section staircase, starting at 4,000 m in the West; Quighai and Tibet (Xizang), descending in an arch at 1,000 - 2,000 m eastwards towards Nei Mongol, then turning southwards at 500 m through Sichuan, Guizhou and Yunnan provinces. The majority of Chinese live in central and eastern China, many of them having to contend with the risk of seasonal flooding. **[1a]**

Population

2.3. The total population of the PRC was estimated in 2003 at 1.292 billion with an average life expectancy of 68.9 for men and 72.7 for women. **[20aa.]** The official population growth rate was 0.93 per cent for the same period, though this is likely to be an under estimate due to the under reporting of female birth as a result of China's "One Child Policy". Han Chinese make up 91.9 per cent of the population. **[1b.]**

Naming Conventions

2.4. Traditional Chinese naming conventions work on the basis of Surname name (usually monosyllable) then Personal name (usually two syllables), for instance Deng Xiaoping, father of Deng Pufang. Chinese communities both inside and outside the PRC have witnessed a discernible trend, particularly amongst the young towards adopting a western name as a consequence of globalisation and in the case Hong Kong colonisation. **[9ch]**

Languages

2.5. The main official language, Modern Standard Chinese, is based on the main dialect of Chinese, Mandarin Chinese. Known as *Putonghua* - "the common tongue, i.e. used by everyone", also known as *Hanyu* - "the language of the Han people", it is spoken by 890 million people worldwide and understood by the majority of the population. **[20a]**

2.6. The official written language is Modern Standard Chinese, with dictionaries listing as many as 40,000 separate characters. Standard core characters number about 10,000. Knowledge of about 2,000 characters is needed to be functionally literate. **[20b]** The literacy rate was estimated to be 82.2 per cent in 1996,

according to an official sample survey. [1] The transcription of Chinese ideographs into the Roman alphabet leads to significant variances in spelling, although China does have a standard system, *pinyin*, which is used both in China and internationally. [1a][2a]

2.7. Local dialects are spoken in the south and south-east. The Tibetans, Uighurs, Mongols and other groups have their own languages. Putonghua is taught in the schools throughout China, but local dialects are commonly spoken. [20a]

2.8. For further information on geography, refer to Regional Studies: The Far East and Australasia, People's Republic of China - directory, 2003 [1b]

3. ECONOMY

General Overview

3.1. Since China's entry into the World Trade Organisation (WTO) in September 2001, the pace of economic restructuring that began in earnest a decade ago has quickened. [9fe][9fi] The promise of new industrial development is starting to emerge, but mainly in the eastern coastal provinces, particularly around Shanghai. [9fe][4vx][4vx] The old State Owned Enterprises (SOE's) are facing further problems as the State withdraws support and are increasingly seen to be unprofitable and in terminal decline. [9fe] The disparity of decline and growth has led many commentators to talk of "Two Chinas". [9fk] The agricultural sector is also vulnerable as import tariffs are abandoned as part of WTO trade agreements. [4vw]

Chinese Currency

3.2. The terms Yuan and Renmibi (RMB) for the Chinese currency are interchangeable and are of equal worth. The term "Kuai" is also used. Renmibi is the "official" currency that is pegged on foreign exchange rates; yuan means "cash in hand; notes" denoting money in circulation. The exchange rate (at time of publication) is about 14 yuan / RMB to the pound sterling. [20g] Concern is rising in the US that value of the yuan may be artificially low and the Chinese government is coming under pressure to consider devaluation. [20as.]

Economic Restructuring

3.3. The 15th National Congress (12 -18 September 1997) authorised the sale and 'downsizing' of China's 300,000 State Owned Enterprises (SOE's). The consequent loss of jobs, plus the iron rice bowl welfare commitments linked to state sector employment have led to demonstrations, though these are generally localised in nature. [16c][15af.]

3.4. Failing SOE's have been accused of using underhand tactics to mask unemployment, such as reduced or minimal wages and forced early retirement. [9c][16a][10c]

Laid off State Workers

3.5. Laid off workers or Xiangang (translated literally as "off post") are not always registered as unemployed as officially they remain contracted to their former SOE's and receive a livelihood allowance for up to three years, or until they find a new job. During this intervening period the SOE is supposed to pay their unemployment insurance but according to one source this rarely happens, leading to resentment and anger. [9gv.][19j.][15af.]

Re-employment Initiatives

3.6. Economic reforms are raising living standards for many, strengthening entrepreneurs, diminishing central control over the economy and creating new economic opportunities. [4j] With discontent running at about 300 strikes a day (figures from March 2002) [4vv] the government is acutely aware that it must do more to tackle unemployment [15u.][15v.] and corruption amongst officials. [20bm.][20af.]

Crime and Corruption

3.7. In terms of Chinese Central Government Policy, official corruption and general crime are approached in similar ways, basically with an overarching policy objective, constantly stated and reaffirmed, turned into periodic campaigns (e.g. 'strike hard' and 'strike harder') and police actions. **[1a][9gac.]**

(A roundup of crime figures for April - July 03 is contained in **22bz.**)

3.8. The Chinese authorities see public maladministration and corruption as undermining the Party's legitimacy. **[5e]** Three types of remedy are being deployed against it:

1. Managerial professionalism is being developed in public administration.
2. Legal restraints are reigning in 'street-level bureaucrats' such as police officers, increasing their accountability.
3. Politically there is increased governmental openness and responsiveness. **[5e]**

The most high profile case to date is that of Chen Keiji, the former Vice Chairman of the National People's Congress (NPC), who was executed in 2000. **[14h.]**

Current Situation

3.9. On the 25 July 2002 the Chinese government published a programme outlining its approach to sustainable development **[15w.]** Fears that power shortages and "excessive" water consumption may damage economic growth have led to restrictions being imposed in some large cities during July and August 2003. **[20ag.][20ah.][9gx.]**

4. HISTORY

Revolutionary China, 1949-66

4.1. The People's Republic of China was established on 1 October 1949 after a protracted and bitter civil war between the communist forces led by Mao Zedong and the nationalist forces led by Chiang Kai-shek. PRC is now one of the few remaining communist one party states left after the end of the Cold War. **[3a]**

4.2. In 1959, after the catastrophic failure of his 'Great Leap Forward' economic policies and previous pattern of rule, Chairman Mao relinquished the post of Head of State and was replaced by Liu Shaoqi. During the following three years, as many as 25 million (some say 40 million) people died as a result of famine, drought, floods, withdrawal of Soviet aid, and the policies of the 'Great Leap Forward'. Under Premier Zhou Enlai, who was acting in conjunction with Liu Shaoqi, Deng Xiaoping and others, the economy gradually recovered. However, the pattern of rule in China, through extensive social control and political campaigns and purges emphasising class struggle rather than the application of law was established. **[1a][3a]**

The Cultural Revolution 1966-76

4.3. Chairman Mao, who had retained his positions within the Chinese Communist Party (CCP), launched the Great Proletarian Cultural Revolution in 1966. This mass movement to radicalise Chinese society created intense factional struggle within the CCP. Red Guards, who followed the fanatical 'cult of Mao' and were given an open hand to smash the "four olds" (old ideas, old customs, old culture, old habits), and were responsible for widespread anarchy and violence against the civilian population. Liu Shaoqi and Deng Xiaoping (General Secretary of the CCP) were disgraced and Mao had to turn to the army to restore order. **[1a][3a]**

4.4. The years before Mao's death in 1976 were characterised by an increasingly intense struggle for succession within the CCP. Premier Zhou Enlai died in January 1976 and was replaced by Hua Guofeng. Deng Xiaoping, having been rehabilitated only a year earlier was again dismissed from his posts in the Central Committee. Mao died in September that year. His widow, Jiang Qing, and three associates ('the gang of four') tried unsuccessfully to seize power. Hua Guofeng succeeded Mao as CCP Chairman, and Deng Xiaoping was restored to his posts the following year. **[1a]**

4.5. Although the worst abuses of the Cultural Revolution had subsided by 1970 and are generally regarded as having ended with

the death of Mao in 1976. This phase of China's history only officially ended when final judgement on the Cultural Revolution took place at the Sixth Plenum of the Eleventh Central Committee in 1981. The Third Plenum in 1978 saw the beginning of the era of economic reform under Deng Xiaoping. [3a]

Economic Reform 1978-89

4.6. In 1978-79 a campaign for democratic reform and human rights, involving posters and demonstrations took off in Beijing. It became known as the Democracy Wall Movement. The Movement was encouraged initially by Deng Xiaoping as a means of putting pressure on his political opponents but when his aims were achieved he suppressed the Movement. In March 1979 Democracy Wall leading figure Wei Jingsheng was arrested and subsequently sentenced to 15 years imprisonment for "counter-revolutionary" crimes. [3a]

4.7. In September 1982 the CCP was reorganised and the post of Party Chairman abolished. The following year a purge of the Party was launched, aimed at removing the 'Maoists' who had risen to power during the Cultural Revolution and were opposed to the pragmatic 'open door' policies of Deng. China's new Constitution restored the office of Head of State and in June 1983 Li Xiannian became President of China. Later that year the Party launched a major operation to combat crime and a campaign against 'spiritual pollution', involving censorship to limit the effects of Western cultural influences. [1a]

4.8. Reorganisation of the CCP and the government, and a programme of social reform aimed at modernising the economy and developing China's external relations, continued through the mid-1980s. There was also a significant liberalisation in the arts and sciences, with the revival of the Hundred Flowers movement of the mid-1950s. Which had encouraged the development of intellectual debate. However, increasing demands for better living conditions met stiff resistance from hardline (elderly) elements in the leadership who were opposed to Deng's social reforms. In December 1986 student protesters took to the streets in provinces throughout China, initially protesting against corruption but quickly demanding increased democracy and better living conditions. Chinese leaders reacted with restrictive measures on rallies and protest marches, whatever the source of grievance and the dismissal from their posts of a number of prominent intellectuals. Hu Yaobang was forced to resign as CCP General Secretary in January 1987, having been accused of failing to stem the tide of 'Western bourgeois liberalisation'. His replacement was Zhao Ziyang. [1a][3a]

4.9. At the 13th National Congress of the CCP in late 1987 it became clear that the 'reformist' faction within the leadership had prevailed. Deng retired from the Central Committee, but retained influential positions within the Party. In 1988 Li Peng replaced Zhao Ziyang as Premier and Yang Shangkun became President. [1a]

Tiananmen Square 1989

4.10. In April 1989, Hu Yaobang died. In the following days, thousands of students maintained a vigil in his honour, calling for an end to official corruption and protesting current social conditions. Although initiated by students, the protesters struck a chord with the general populace, including workers, government employees, workers and journalists. In May 1989, demonstrations calling for modernisation, democracy, free speech and the right to form trades unions filled the streets of Beijing. [11]

4.11. On 13 May 1989, a group of up to 3,000 students began a hunger strike as a way of pressurising the Chinese leadership to open a dialogue to discuss the protesters' grievances. This in turn resulted in a huge demonstration of support for the hunger strikers. On 17 May 1989 an estimated one million Chinese gathered at Tiananmen and demonstrations spread to other major cities in China's provinces. Zhao Ziyang, who was considered to be relatively supportive of the call for reform, visited Tiananmen Square in an attempt to persuade the hunger strikers to call off their protest, and commended their "patriotic spirit". The following day Li Peng met students, accused them of bringing anarchy and ordered them to leave, without success. [1a][11][5]

4.12. Martial law was declared on 20 May 1989, by a leadership fearful of national chaos and its own loss of power. The declaration only drew further demonstrations in protest against its imposition, although the numbers at Tiananmen began to decline. On 4 June, troops of the People's Liberation Army in tanks and armoured personnel carriers attacked protesters on and around Tiananmen Square. At least a thousand civilians were reportedly killed in the military crackdown in Beijing and other major cities, despite the government's denial that anyone was killed in Tiananmen Square itself (most protesters and their defenders were killed in side streets, during round-ups and in initial detention). [1a][11][5][6a]

Post -Tiananmen Square

4.13. The authorities reacted vigorously to the threat to the absolute power of the CCP represented by the 1989 demonstrations. Those identified as having "counter-revolutionary" tendencies were subject to a range of repressive tactics depending on their level of dissident activity. Hundreds were arrested or detained and there were a number of executions. Students, public servants, workers and military personnel were required to perform self-criticism; ideological education classes were reinstated, and social control was tightened. [1][5][6a]

4.14. Zhao Ziyang was dismissed from his posts (though he was not expelled from the CCP) and was placed under house arrest. To take his place as CCP General Secretary, Jiang Zemin was brought in from Shanghai, where he was credited with handling demonstrations better than had been the case in Beijing. Under Jiang Zemin, martial law was lifted in January 1990 and some of the pro-democracy detainees were released. The following years demonstrated the leadership's commitment to a 'socialist market economy' and its continued emphasis on the need for national stability under an all-powerful CCP. **[1a]**

Current Situation Overview

4.15. In March 2003, the new leadership of China, "the fourth generation", was announced. **[9gp]** Hu Jintao took over as President from Jiang Zemin and Wen Jiabao **[9fn][9gm]** took over the role of Premier from Zhu Rongji. Both are committed to the continuation of the policies of Deng-Jiang. **[9gp]**

4.16. For history prior to 1949, refer to Regional Studies: The Far East and Australasia, People's Republic of China - directory, 2003 **[1b.]**

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5. STATE STRUCTURES

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5. State Structures

The Constitution

5.1. China's constitution, the PRC's fourth, was adopted by the National People's Congress (NPC) in December 1982 and has been amended three times: 88, 93, 99. It defines the functions and powers of the institutions of the State and Government, and restored the office of Head of State (President). **[1a]** The English Language edition of the People's Daily newspaper contains a link to the constitution of the PRC. Please note this is a semi-official newspaper.

<http://english.peopledaily.com.cn/constitution/constitution.html>

5.2. The 1982 Constitution contains reference to most of the fundamental human rights as recognised by the 1948 Universal Declaration of Human Rights. However, it also defines the duties of Chinese citizens as safeguarding the unity of the country, observing public order, respect for social ethics and refraining from acts detrimental to the security, honour and interests of the motherland. **[1a]**

Citizenship and Nationality

5.3. Citizens are defined in the 1982 Constitution, article 33 as "All persons holding the nationality of the People's Republic of China." **[1a]** They are accorded attendant rights and duties as citizens, laid down in articles 33 to 56. **[1a]**

The Political System

5.4. China is a unitary state with political power held by the Chinese Communist Party (CCP). The highest organ of state power is the National People's Congress (NPC), which meets once a year in plenary session: but has a Standing Committee, which meets more frequently to scrutinise legislation. The NPC is composed of deputies elected for a five year term by local people's congresses of the provinces, autonomous regions, municipalities and the People's Liberation Army (PLA). Separately from this the five yearly Party Congress elects a Politburo and Standing Committee, which can be regarded as the Chinese cabinet. **[1a][2b]**

5.5. Retired senior CCP leaders retain considerable power, however in mid1995, the top leadership announced that ultimate authority had been passed to the younger generation of leaders in the (currently) 24-member Politburo. The Politburo's Standing Committee has 9 members. **[1a][2b]**

5.6. Attempts to establish political parties independent and critical of CCP's monopoly rule are crushed by the authorities. However, several hundred million Chinese have participated in the village election programme, which allows basic democratic expression in multi-candidate elections for non-governmental local village committees. Foreign observers have described these elections as on the whole fair. Successful village committee elections have included campaigning by multiple candidates and the use of secret ballots. **[1a][2d][3f][7d]**

Grassroots Political Activity in China

5.7. Formal channels of communication (such as the People's Congresses) can be very ineffective and the informal channels are therefore very active. In some areas, policy cannot be carried out unless informal groups are won over (such as in clan organisations' co-operation in "one-child policy" targets). **[5d]**

5.8. Political participation in rural areas is typified by little interest in the election of deputies to the People's Congress because of the remote, district-level nature of representation. **[5d]**

5.9. Increasingly since 1990, local rural government has seen different types of protest to perceived injustices. The methods available range from the legal, - of written statements, lodging formal complaints and administrative law suits - to the illegal, such as destruction of crops, protests and riots. **[5d]**

5.10. Formal contact with government officials, either individually or collectively, can be fraught with obstacles and even some retaliation, but peasants can express their views on matters. **[5d]**

Village Committee (VC) System

5.11. The Village Committee System emerged after the disintegration of the communes in the late 1970s. The earliest known Village Committees (VCs) were set up in Guangxi province around 1980 -1981; the development was reported to the authorities in Hechi prefecture and then on to Beijing. The enthusiastic endorsement by Peng Zhen, the vice-chairman of the National People's Congress Standing Committee ensured VCs were written into the Constitution. **[11f]**

5.12. Estimates vary as to how many VC elections are now held in the one million plus villages of PRC. Estimates vary from 25 to 51 per cent with the lower estimates probably the more accurate. **[11f]**

Neighbourhood Committees (*jumin weiyuanhui*)

5.13. The Neighbourhood Committee is the lowest tier of local urban government and since1999 has witnessed a drive to attract younger members, with an emphasis on business skills rather than ideological 'purity'. The committees' work involves monitoring the floating population of rural migrants, encouraging (and enforcing) the one-child policy and finding the unemployed work. Many committees are now overwhelmed and unravelling in the current economic climate. **[4bg]**

Democracy and Representation in China

5.14. Rapid change in the eastern coastal districts (including Fujian) since the mid1980s have lead to dramatic improvements in the villagers' lives in these provinces. The central government has been keen to stimulate similar growth in the central and western belts of China. And the local authorities in the centre / west have been under pressure to carry out developmental programs but have had to rely upon their sole and usual source of tax revenue - the rural villager. So a cycle of discontent has evolved with widespread tax evasion and harassment of officials. **[11m]**

Judiciary

5.15. The Supreme People's Court stands at the apex of the court system, followed in descending order by the higher, intermediate and basic people's courts. **[1a]** Only courts can sentence prisoners to facilities managed by the criminal justice system. However, government authorities can assign persons accused of minor public order offences to re-education-through-labour camps in an extra-judicial process (see below). **[2b]**

5.16. Below the Supreme People's Court are the Local People's Court system, comprising of higher, intermediate and basic courts; and the Special People's Courts, including all military, maritime and rail transport courts. **[1a]**

5.17. The basic principles behind the PRC judiciary and the criminal legal system are different from English law. Judges and the courts are primarily established to pronounce sentence on persons established as guilty and answerable by the People's Procuratorates. **[2b]**

5.18. Integral to the Chinese system are the People's Procuratorates who undertake allegations and investigate not only whether there is a case to be answered but also whether the proof of evidence of guilt. On that basis an arrest is made (though there are other detention measures other than a full arrest - see below, *Legal Right / Detention*) and the presumption is that the defendant is guilty from that point on in the process. **[6b]**

5.19. Since 1998 the judiciary has promoted greater public scrutiny of its operations. Courts have opened public galleries and hotlines have been set up so the public can report misconduct and incompetence by judges and prosecutors. In July 1998 China Central Television transmitted the first live broadcast of a court case at Beijing's First Intermediate People's Court. **[4k][18]** The Supreme People's Court issued rules in March 1999 enforcing public access to trials except in cases deemed "inappropriate". **[4y]** The new rules were effected in year 2000 and the US State Department report for that year holds that "the [Chinese] Government worked to make progress towards correcting systematic weaknesses of the judicial system". **[2x]** Cases involving state security, personnel privacy or minors are exempted from the legal requirement to be held in public. **[2d]**

5.20. Most of the 200,000 plus judges in the PRC have had no legal training, the typical career path being military service followed by a Party appointment. In July 2002, the president of the Supreme People's Court, Xiao Yang, announced a five-year reform plan to bring judges into line with the professional qualifications of civil servants and to develop legal training. From 2002, new judges will be required to pass two exams and undergo professional training. **[9ew]**

Legal Rights / Detention

5.21. The Criminal Law of the PRC was amended in March 1997. Article 13 defines as crimes "all acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system; undermine social and economic order; ... and other acts that endanger society." Article 13 also states that "if the circumstances are clearly minor and the harm is not great, [such acts] are not to be deemed crimes." **[7a][2b]**

5.22. Of note in the PRC Criminal Code, article 277 covers the penalty for hitting an official and articles 322, and 52, 53 cover illegal emigration and penalties on return (see below, *Returns*). **[21]**

5.23. The Criminal Procedure Law (CPL), adopted in 1979, was revised in March 1996. The revisions came into force in January 1997. The revised CPL increased the protections for people detained under the criminal justice system, including guaranteed access to legal counsel after interrogation or detention by the police. The revised law also adjusts the balance of the "verdict first, trial second" provisions of the 1979 law, under which a verdict and sentence were usually decided by an adjudication committee and rubber-stamped by the trial court. It is now the trial court rather than the court president who can decide to refer difficult cases to the adjudication committee and only where the trial court finds it difficult to reach a decision having heard and deliberated the evidence. **[2b][6b]** During 1998, the government increased its efforts to educate lawyers, judges, prosecutors and the public on the provisions of the new law, implementation of, which remains uneven, and far from complete. **[2d]**

5.24. Despite its revisions, the CPL permits long periods of detention without charge or trial, and grants wide powers to the police to restrict or detain people on their own authority, without judicial review. The police can issue "summons" (*juchuan*); "taking a guarantee and awaiting trial" (*qubao houshen*); "supervised residence" (*jianshi juzhu*) and "detention" (*juliu*). All can be issued without any other body looking over the authorising document. Arrest (*daibu*) marks the time at which a suspect is formally charged with a crime, and an arrest warrant is issued, counter-authorised by the procuracy. Arrest is followed by a period of "investigation", usually by the police. This ends when the police file a request for prosecution with the procuracy. The procuracy then reviews the case in order to decide whether or not to initiate a "public prosecution". If it proceeds with prosecution, the procuracy writes an indictment and transmits the case to court for examination and trial. After reviewing the case the court decides whether or not to proceed with the trial. Throughout this process, detainees have right of access to a judge to challenge the grounds of their detention only when the length of detention has exceeded the time limits prescribed by law. **[6b]**

5.25. The revised CPL provides exemptions in "state secrets" cases; for example, the denial of access to lawyers while a case is being investigated. The definition of "state secrets" is broad and vague and subject to independent interpretation by police, prosecutors and judges, at different stages in a criminal case. **[2d][12b]**

5.26. Customs officers in the PRC have wide powers and are given great discretion in what they seize and when, both on items coming into the PRC and items leaving the PRC. Prohibited material is promptly destroyed. **[3cf]**

State Compensation Law

5.27. The State Compensation Law of 1995 provides a legal basis for citizens to recover damages for illegal detentions. Although the majority of citizens are apparently are unaware of this law there is evidence that it is having some limited impact. **[2d]**

5.28. The use of legal procedures to redress problems is on the increase, as is the use of private lawyers. Government figures (for 1997) indicate that there are now 8,300 lawyers' offices in China, with 114,000 lawyers. The Supreme People's Procurate reported that citizens filed 90,000 lawsuits against government officials in 1997. **[4h][2d]**

5.27. The role of the defence lawyer is beginning to change, as the system takes on new aspects. Under the 1996 Criminal Procedural Law, defence lawyers are able to take earlier and a more extensive involvement in criminal trials. **[11p]**

5.28. Chinese defence lawyers rarely produce the most vigorous defence of a case i.e. disputing the facts, preferring to look for procedural errors or highlight a defendants' previous good character. **[11p]**

5.29. Regulations for the introduction of legal aid came into force on the 1 September 2003. **[21i.][21s.]**

5.30. The conviction rate is over 90 per cent. Coerced confessions are frequently introduced as evidence. While there is an appeals process, appeals do not generally reverse the original verdict. Though they have occasionally resulted in a reduced sentence. **[2d]**

5.31. The Law on Administrative Appeals was adopted in April 1999, to take effect on 1 October 1999. Under the Law, citizens are entitled to appeal against government infringement of their rights and interests, and also against "illegal" government public documents. **[4aa]**

Land Law

5.32. All land in China is owned by the State, represented in rural areas by collectives. The Land Administration Law, amended in 1988, states that "When the state requisitions land for construction, the units whose land is requisitioned should subordinate their wishes to the needs of the state and shall not obstruct the requisition." Decisions on what plots should be requisitioned are generally made at local (county) level. County level officials are also responsible for rates of compensation, and the administrative sanctions to be imposed on those who make unlawful land transfers, constructions and excavations. Disputes over land use and ownership are also resolved at or above county level. **[21f]** A report in the Times newspaper on 9 September 2003 alleges that in the last decade the government confiscated 70 per cent of newly urbanised land and that in many cases compensation was not paid due to the involvement of corrupt local officials. **[10bi.]**

Death Penalty

5.33. The death penalty is widely used as a punishment in China, with 65 crimes in the Criminal Code carrying the death sentence. **[2i]** Hundreds have been executed for drug-related crimes and for separatist activities in Tibet and Xinjiang. **[6b][6c]** **[4m]** In its March 2003 report, the US State Department estimated the number of executions carried out in the PRC to be at least 4,000 for the year 2002. They acknowledged however that the real figure could be far higher as the PRC regards the number of executions carried out as a state secret and therefore publishes no figures. **[2g]**

Internal Security

5.34. The Public Security Bureau (PSB) has two major tiers to its organisation: there is the policy-making Ministry, the *Gong An Bu*, as differentiated from the provincial law enforcement agencies of the *Gong An Ju*. Following the pattern of all ministries. Police uniforms were changed in September 2000 from drab olive military style uniforms to a blue uniform more akin to most police forces in other countries. **[9aj]**

5.35. In December 2002, in Zhejiang province, a cleanup of the provincial police force dismissed 81 "unqualified" policemen and

suspended 1,000 others for incompetence; criminal charges were brought in 34 cases. [4kx] That same month, Hou Zongbin, chairman of the Committee for Internal and Judicial Affairs under the National People's Congress commented that illegal (over-extended) detentions of criminal suspects and forced confessions were still "a salient problem" in many parts of China. [4ky]

Community Policing

5.36. The local police have a community role comparable to a US sheriff but unlike their counterparts in the West they are empowered, even encouraged (by their superiors) to intervene in personal aspects of peoples lives. [11o]

5.37. Within the local community structure, the local (professional) policeman usually heads the Security Defence Committee (SDC). A structure authorised under the 1952 Security Defence Committee Act. The SDC complements the Neighbourhood Committee, and increasingly in rural areas, the Village Committee. [11o] The SDC has three main policing functions: firstly to mediate (*tiaojie*) in disputes to prevent escalations into serious incidents; secondly to organise all local security defence, such as arranging police teams; and thirdly, to ensure proper registration of households and other registers (*moupai*), with the appointment of a household agent. [11o]

5.38. China's official news agency (Xinhua) reported on 31 July 2003 that police had been ordered to end the practice of arrest quotas and "refrain from any action that offended public morality, caused public outrage or violated human rights". [12i.]

Terrorism

5.39. The Chinese response to the events of 11 September 2001 was swift. The paramilitary People's Armed Police (PAP), numbering 1.2 million officers stationed throughout PRC were immediately put on high alert. [9dg] Generally there have been successive waves of increased security, with a heightened state of alert in October 2001 [9df] (also, see below, *Muslims*). China is also a founding member of the Shanghai Cooperation Organization (See *Ethnic minorities, Uighur*) [12h]

5.40. The PRC has a list of terrorist organisations that includes a number of groups not recognised by the United Nations, including Uighur nationalist groups. [4tg] However, on 12 September 2002, the UN did recognise that the East Turkestan Islamic Movement was a terrorist organisation, responsible for killing 160 people in the past decade in Xinjiang province. [9ff]

5.41. In addition to the new alert for PAP officers [9dg], a new Ministry of Public Security (MPS = Gong An Bu) bureau was announced in January 2002 to tackle terrorism. The unit is to be set up later in 2002, comprising of many elite police units, including a Sichuan PAP women's military unit trained in anti-terrorism tactics. [4sp] The unit will specifically monitor border crossings, visa applications and airline security, in order to prevent terrorist attacks and incursions. [4sp]

5.42. Amnesty International (AI) has strongly criticised the anti-terror campaign, particularly in relation to arrests and execution of Uighur "ethnic separatists". [6y] The United States Government has also voiced some criticism over Chinese interpretations of "terrorist", and diplomatic difficulties have arisen over their refusal to hand Uighur separatists found in Afghanistan over to the Chinese. [4tn]

5.43. In March 2002, the Chinese authorities announced that they would be developing a corps of airline police to travel on all internal flights. By 2003, there should be 2,000 officers in action. [9dy]

Prisons and Prison Conditions

The Prison System

5.44. The US State Department report for year 2001 states that conditions in both the prison system and the administrative detention facilities are "harsh and frequently degrading". Facilities are often over-crowded, with poor sanitation and of poor constructional quality. Prisoners often rely upon food and medicine supplements from relatives, with a very low standard of medical care available. Prison discipline relies upon guards appointing "cell bosses" with many attendant abuses. Forced labour is common. [2g][2x]

5.45. The authorities do not permit the independent monitoring of conditions inside prisons, labour camps, or any other part of the penal and associated systems. [2b][2g]

5.46. China's judicial department is experimenting with community service in Beijing, Shanghai, Tianjin and the eastern provinces

of Jiangsu and Zhejiang (report dated 1 August 2003). Those prisoners selected are required to work at least 10 hours a month in jobs selected by the Judicial Bureau. They also face restrictions on their movement and must live at home. A trial scheme in Shanghai reported no re-offending by the 100 offenders to have completed the programme. [9gw.]

Re-education through Labour

5.47. The emphasis given by the Chinese authorities on the need to maintain stability and social order has given rise to forms of administrative detention that have been widely used in China since the 1950s against many of those who may or may not have committed a crime. Government officials have been able to impose random and unreasonable penalties, lacking a legal basis. To regulate the system of administrative sanctions that can be imposed by state officials, the Administrative Punishment Law was brought into force in October 1996. [6b]

5.48. Two forms of administrative detention that have given rise to human rights violations are "shelter and investigation" and "re-education through labour". The revised CPL abolished shelter and investigation as an administrative measure, though this form of detention has now been integrated into the criminal process. The regulations on shelter and investigation allowed the police to detain specific categories of suspects without charge for periods up to three months. In practice, it has been used as a convenient measure to detain, without judicial review, anyone the police wished, including political dissidents, whether or not they met the specified categories and often for periods exceeding the permitted maximum. [6b]

5.49. Re-education through Labour (not the same as Reform through Labour, which is a criminal sanction) is a form of administrative detention imposed as a punishment on those regarded as troublemakers or those accused of minor offences not amounting to "crimes". It involves detention without charge or trial for up to three years, renewable by one year, in a forced labour camp. People who can be subjected to this punishment include those classified as endangering state security, anti-Party, anti-socialist, anti-social elements and hooligans. [6b]

Psychiatric Institutions

5.50. Abuse of mental health system as an alternative detention system was highlighted again by Robin Munro, a London researcher, in February 2001. His research showed the amount of such abuse had fallen by the early 1990s but is still used in a number of cases, most recently and particularly in Falun Gong cases, estimating that 600 Falun Gong practitioners have been sent for psychiatric treatment. [9cv] There are alleged cases of patients being force-fed psychiatric drugs. [9cv]

The Military

5.51. All the armed forces are grouped together in the People's Liberation Army (PLA) with forces totalling 2,470,000 personnel in August 2000. The PLA is sub-divided into seven major military administrative units. [1a] The number of military personnel in the PLA has been reduced from 4.2 million to the current 2.5 million over the past two decades. [9cc] Though more radical changes have been delayed because of infighting amongst Chinese elite. [15t.] Graduates are being encouraged to join the forces, and the existing officer regulations are being revised to expand the recruitment base at officer level. [4kq]

5.52. In September 2003, the Government announced plans to reduce to PLA by another 200,000 men as part of an ongoing programme of modernisation. [22ca.][22cb.]

Conscientious Objectors and Deserters

5.53. Conscription is compulsory under article 55 of the PRC constitution; reinforced by 1984 Military Service Law. Military service is compulsory for all men between 18 to 22 years old and for women "if required in [a] state of national emergency". All males technically register at their local PLA (People's Liberation Army) offices at the age of 18: the PLA pick the fittest recruits. Local authorities are given annual targets for recruitment. Those not called up at 18 are put on a reserve list and may remain liable for call-up until they are 22. [19b]

5.54. There are different levels of conscription; for example students undergo 1 month's military training, though most conscripts only receive basic military training even if called up. There is no information as to what proportion of people are called to serve as opposed to called-up. The PLA is in the process of demobilising many professional troops and concentrating on elite corps with reserve troops if needs be. [3ae]

5.55. There is no alternative to military service and the principle of conscientious objection is not recognised. People, particularly in affluent areas, often pay a fine or buy themselves out of doing military service. [19b]

5.56. Article 61 of the law on military service, enacted on 31 May 1985 states that "those who avoid or refuse registration ... conscription ... [or] military training shall undergo education and, if this is unsuccessful, be forced by the local People's Government to carry out their military service duty". In wartime separate military regulations apply. **[12o.]**

Medical Services

General Information

5.57. China spends 5.3 per cent of its GDP on health care = per capita expenditure of US\$205. The child mortality rate m / f (per 1000) is 34 / 40 respectively. Life expectancy at birth m / f (per 1000) is 69.8 / 72.7. **[20aa.]**

Current situation

5.58. Since March 2003, the international media has been following the increase in a new infectious disease, Severe Acute Respiratory Syndrome - SARS, which emerged publicly in southern Guangdong province in late February 2003 and may have begun there in November 2002. The emergency has highlighted two themes important within the PRC: the alleged secrecy of the authorities **[9gu]** and the inherent inadequacy of the newly privatised health-care system. **[9gr]** The crisis has seen the sacking of both the Health minister, Zhang Wenkang, and the Major of Beijing, Meng Xuenong, on 21 April 2003.

5.59. The World Health Organisation (WHO) lifted its travel warning for Beijing on 24 June 2003 and for Hong Kong SAR the day before. **[15l.]** One month later the Chinese Ministry of Health reported no new cases or deaths from SARS. **[15m.]**

5.60. To date 643 people have died in China (including Hong Kong SAR) as a result of SARS. While the government has been praised internationally for bringing the situation under control **[15n.]** SARS has highlighted the importance of having in place a universal health care insurance system covering the whole country. **[15k.]**

5.61. Until about twenty years ago most Chinese were given low cost (subsidised) or free medical care of government hospitals, but as economic reform has gathered pace (*See Economy*) the government has restricted such access. Today only government officials and employees of State Owned Enterprises (SOE's) get government healthcare. **[9gr.]**

Rural Healthcare

5.62. For many rural Chinese, healthcare is no longer affordable - the average bill for hospitalisation has been estimated to exceed the total annual income of over 50 per cent of the rural population. **[22u]**

5.63. Originally rural areas had a healthcare system based on community financing models, collectively called the rural "Co-operative Medical System". From a high of 90 per cent (coverage) in the 1970s, coverage has fallen to less than 10 per cent by the year 2000. Economic reforms, poor management and demand outstripping resource input have all contributed to the collapse of CMS services. **[22t][20q]**

5.64. The World Health Organisation (WHO) has been running a pilot project since 1994 to cover 8.7 million people in seven provinces with a new form of healthcare coverage, experimenting with trials forms of resuming universal coverage. **[20q]**

Urban Healthcare

5.65. Under the Health Protection System reforms urban residents are now expected to foot the initial healthcare bill themselves and then to claim back reimbursement from provincial healthcare funds up to a locally set ceiling. **[22ah]** This is in contrast to the previous system whereby insurance was guaranteed by work units under the Government Insurance Scheme (GIS) and the Labour Insurance Scheme (LIS). **[22t]**

5.66. There are reportedly great disparities existing between rural and urban hospitals. Thus there are no uniform standards for treatments such as emergency cardiac treatment. Doctors are asked to stick to general procedures given in standard textbooks. **[3an]**

Health Insurance

5.67. In 2001 there were only 17 Chinese companies licensed to provide health insurance. **[15k.]** With coverage patchy and the SARS crisis prompting a re-evaluation of health care provision the Chinese government has announced that it will now allow

foreign health insurance companies to operate in China one-year ahead of the schedule agreed with the WTO (World Trade Organisation) [15k.]

Pharmaceutical Products

5.68. *China Pharmaceuticals Guide*, claims to comprehensively cover every aspect of regulation concerning pharmaceuticals, health systems reforms' impact on the pharmaceuticals market and the market sector generally in China. Includes traditional Chinese medicine sector as well. [5p]

5.69. The State Development Planning Commission has begun insisting that Chinese pharmaceutical companies pass on savings in production to consumers'. [22z][22aa] The Ministry of Health has started to crack down on unsafe medical practices, such as recycling syringes [22ae] revoke licenses for companies found to be producing "counterfeit" cosmetics. [22af]

5.70. In November 2000, the Ministry of Health announced that it was going to crack down on fake and unsafe medical appliances and products, particularly illegally recycled syringes, unsafe and counterfeit cosmetics and inedible oils sold as edible. [22ae] 49 pharmaceutical manufacturers' licences have been revoked. [22af] UK medical commentators have stated that it is difficult to ascertain how to work out what "counterfeit" means as Chinese medical and pharmaceutical literature is highly localised and under-researched in the West. [20s]

Medical Profession and Associated Organisations

5.71. Professional representation for healthcare professionals is mainly through the Chinese Medical Association. Originally founded in Shanghai in 1915, the CMA was moved to Beijing in 1950. It employs 300 staff and represents over 400,000 health professionals. [22s] The 76 professional subgroups are listed on the CMA website - all registered societies as national societies. [22y] www.chinamed.org.cn Doctors in China take an oath at medical school on ethical standards similar to the Hippocratic Oath. [3an]

Healthcare: Specific Conditions

HIV / AIDS

5.72. The exact number of people infected with HIV / AIDS in China is unknown, The World Health Organisation (WHO) estimates the figure to be around 850,000 (figures for 2001). The true extent of the problem could be much worse as WHO estimate that up to 95 per cent of cases go unreported. [15o.] There is also concern that with such a heavy emphasis on fighting SARS, HIV / AIDS will now be seen as less important for health officials. [15p.][20y.][14c.]

5.73. The official estimate of HIV-positive cases (as opposed to confirmed cases) was over 600,000 people by the end of year 2000. [4rk] Intravenous drug use was held to be responsible for 69.8 percent of HIV infection cases. [4rk]

5.74. In September 2002, the PRC authorities admitted that there may be over one million HIV cases in China, and that a projection towards 2010 might see the development of over 10 million cases of people with HIV. [9ez]

Wenlou Village Scandal

5.75. In the early 1990s, the provincial health authority in Henan province set up collection station, buying blood from local people many of who subsequently became infected with the HIV virus as a result of contaminated needles. [4rg] The situation was particularly bad in the village of Wenlou where many poor farmers went repeatedly to the collection centres and made a living from "donating" their blood; commercially sellable proteins were removed from the blood and what was left was "pooled" and injected back into the donors. Today 65 per cent of the villages in Wenlou are HIV-positive. [9cy]

5.76. There are credible reports of AIDS sufferers being shunned and abused by fellow villagers, nearby townsfolk and local officials when the scandal first broke. [4rg] Reports of harassment of HIV / AIDS sufferers by government officials continue to surface. Many of the officials "accused" of colluding with pharmaceutical companies at the time are now suspected of blocking media access to the affected villages. Some have even been promoted to more senior positions within the CCP. [14d.]

Treatment and Strategies

5.75. The typical cost of patent-protected retrovirals - AZT being the generic name - in PRC has been given as 870 Yuan (£62) for Videx and 3,110 Yuan (£225) for Zerit (both made by Bristol-Myers Squibb) for courses lasting fourteen days. [4rv] The authorities

are also committed to developing a programme of Methadone treatment in order to combat the sharing of needles by intravenous drug users. [4rz][4ri]

5.76. There have been calls from within the PRC for the government to look at ways of overcoming the obstacles to producing generic versions of successful anti-viral drugs as a way of lowering the price. [4rt][4rv][9cx][20z.] Better education on issues such as 'safe sex', are frequently stressed by foreign observers many of who point out that the mass of the Chinese populous remain in the dark over the scale of the disease. [4ri][4rw][20aa.]

5.77. State media has given wide coverage developments in South Africa: landmark judgement breaking pharmaceutical companies' restrictions. The authorities have noted that India is now able to produce drug treatments at a cost of 300 US dollars per patient per year, as opposed to the imported drug regimes of up to 10,000 US dollars per patient per year. [4rt][9fa]

5.78. The State Council's AIDS prevention plan for years 2001 to 2005 was published in September 2001. It focused on the strengthening of the administration of blood collection stations and the development of the treatment of AIDS as a major Chinese research goal. [4rn][4rj] The plan also hopes to address ignorance about HIV / AIDS by improving the quality of media reporting of the issue. [4rj][4ru] There are the beginnings of a social turnaround, with state media beginning to show a sympathetic approach towards people with HIV / AIDS. [4rs][4ru] In September 2002, it was reported that middle schools are starting to experiment with sex education programmes for students. [9fc]

Tuberculosis

5.78. The World Health Organisation (WHO) estimates that up to 500 million Chinese (40 per cent of the population) are infected with TB. With 6 million of those having the active / contagious strand which, if left untreated, attacks the lungs before spreading to the rest of the body. Between 160,000 to 260,000 Chinese die of the disease each year. [10bh.][15q.]

5.79. China is committed to a national plan to implement DOTS, Direct Observation Treatment Short Course (the WHO-recommended TB control approach) by the end of 2010. In March 2002 China secured a 104m US dollar loan, financed by the World Bank and the UK government to provide free diagnosis and treatment to 16 provinces, home to 680 million people. [10bh.][15r.]

Mental Illness

5.80. There is a well-established system of psychiatric hospitals and institutes within China. Residential, long-stay institutions, known as Psychiatric Welfare Institutions (*jingshenbingren fuliyuan*) are complemented other welfare institutions such as Social Welfare Institutions (*shehui tuanti*) and Child Welfare Institutions (*ertong fuliyuan*). A Shortage of funding for residential care means that patients usually end up in one of the welfare institutions. [12e]

5.81. The Public Security Bureau (PSB) maintains twenty psychiatric institutions, known as Ankang ("peace and health") institutions, for inmates deemed to be criminally insane. [4ps]

5.82. A list of drugs commonly used to treat mental illness and information on the ratio of psychiatric beds and professionals to population can be found by clicking on the following link: <http://www.cvdinfobase.ca/mh-atlas/>

5.83. China spends approximately 2.35 per cent of its health budget on caring for people with mental illness. [29u.]

5.84. Suicide is seen to be an increasing social problem, with the attendant health care concern of mental illness. China has a suicide rate of 250,000 and an estimated 2 million attempted suicide every year. Young women, particularly in rural areas are a high-risk group. [4sc][9ec][9gap.]

Heart Transplants

5.85. The current cost of a heart transplant in PRC is up to 400,000 Yuan (US\$ 50,000 = £28,500). There is a waiting list of over 250,000 patients. China Daily maintains that the limited supply of suitable organs is a main factor in the high price of transplants. [22ab]

Organ Removal

5.86. In recent years, credible reports have alleged that organs from some executed prisoners are removed and transplanted. [2g] Officials have confirmed that executed prisoners are among the sources of organs for transplant but deny that their trade exists.

[4fr] There is currently no national legislation governing organ donations but officials assert that consent is required from prisoners or their relatives before organs are removed. **[2b][10e]**

People with Disabilities

5.87. The disabled population numbers over 60 million subdivided into six main categories: -

- Hearing loss (20.57m)
- Mental retardation (11.82m)
- Physical disabilities (8.77m)
- Visual disabilities (8.77m)
- Psychiatric disabilities (2.25)
- Multiple disabilities (7.82)

[11k]

5.88. In September 1999, changes to the social security system were passed by the Standing Committee of China's State Council, ensuring local payment of minimum levels of social security benefits. **[4bc]** In the same reforms, the elderly are to be given "vouchers" for choice of residential centres. **[4be]**

Educational System

5.89. The Constitution provides for 9 years of compulsory education. **[2d]** However in practice about 7 years of education is more common. Schooling usually begins at 6 to 7 years old with primary schooling. High school education is a six-year programme, divided into a three-year junior high school programme and then a further senior programme. **[21b]**

5.90. Much of the senior programme is grooming for higher education exams. Higher education has a two-tier approach, with 2 to 3 year courses and 4 to 5 year degree courses. Graduate courses are also run. Nation-wide college entrance examinations are held within the first ten days of each July (nicknamed "Black July"). **[21b]** Student debts and accusations of access-through-bribery are current concerns in Chinese universities. **[9gj][9gk]** Special low interest loan schemes created by the Government in 1999, when universities were permitted to charge fees, are floundering as graduates are finding the loans difficult to repay. **[9gj]** There are also allegations that students are being chosen on hidden criteria, such as being well-connected, as much as on their individual academic prowess. **[9gk]**

Social Societies in China

5.91. Non-governmental / party organisation within the PRC are required to register with the authorities who use the process as a mechanism for obstructing pluralism within society. **[11g]**

5.92. In addition to refusing to register a society the government can, as a further means of control ban a group outright; declaring it illegal (e.g. Falun Gong, China Democracy Party). Other methods of control include: having the sponsoring organisation remove support, pulling up organisations on financial regulations, and identifying key members who are employed in state industries and moving them to more demanding state jobs in the hope that they'll be too busy to be effective in the social organisation. Post 1998, the Party has ensured that each organisation is obliged to contain a Party cell, which in turn is linked directly to the Party committee in the sponsoring organisation. **[11g]**

5.93. While the government is quick to suppress any group perceived as a threat to the authority of CCP or national security **[2g]** there are nevertheless organisations operating who do not bother with any part of the registration process. There has been a growth of such organisations, operating either as "clubs", "salons" or "forums". **[11g]**

HEALTHCARE - SPECIFIC CONDITIONS

AIDS / HIV

5.123. The Chinese authorities have, reportedly, been under increasing pressure to tackle the country's AIDS / HIV problems. By March 2001, for example, the authorities of Guangdong Province acknowledged that prejudicial practices occurred in provincial

institutions, such as the throwing out of HIV positive people from prisons and re-education-through-labour camps to fend for themselves. [4rf] AIDS treatment, it was held to be, was prohibitively expensive at about 10,000 Yuan (about £750) per patient per year in Guangdong Province. (see below at treatments) [4rf] Such figures were released as part of a regional bid for central funding of a series of treatment centres: a previous proposal in year 2000 for a treatment centre in Jiangmen, Guangdong Province had failed on grounds of cost. The building of the centre was set at 30 million Yuan (£2.1 million), with on-going costs of 10 million Yuan (£715,000) a year for 1,000 patients. [4rf]

Wenlou village scandal

5.124. Further, a particular "blood-for-money" scandal has brought AIDS into the political forefront. The scandal broke in year 2000, when high proportions of the populations of Wenlou and Donghu towns in Henan Province started to die from full-blown AIDS. [9cy] High rates of HIV infection were discovered with the source tracked down to a blood plasma transfusion company who operated with total disregard of safe practice. [4rg] Ignorance of AIDS / HIV in certain rural areas such as rural Henan and Guangdong [4rf] was almost universal, with the Henan villagers going down with a mystery only known as "strange disease" or "no-name fever". [4rg] AIDS sufferers were subject to panic reactions from fellow villagers, nearby townsfolk and local officials, being shunned and abused. [4rg]

5.125. Official practices regarding people with HIV / AID has since been held up to some scrutiny. A hospital was successfully sued after releasing false AIDS information about a patient in July 2001, in Shanxi Province, prompting the central Ministry of Health to call for more attention in the protection of the right to privacy of HIV/AIDS cases. [4rh] Senior health officials have echoed the call for respect and dignity to be given back to people with AIDS / HIV. [4rx]

5.126. Further, the government arranged the first national HIV/AIDS conference for 13-16 November 2001, which has adopted and passed a number of key messages and measures, as well as opening up debate. (see below) [4rq]

Experts outside PRC

5.127. A leading US AIDS expert, Helene Gayle, has warned that PRC must address HIV infection through sexual transmission rather than just reacting to blood transfusion scandals. [4rl] A two fold emphasis was suggested, with increased public awareness about AIDS in conjunction with sex education, and increased official surveillance with improved statistics and more open debate. [4rl] Another US expert has cautioned that China needs to develop better public awareness, accurate statistics and greater participation of the non-governmental sector in strategies to combat AIDS. [4rw]

Internal debate

5.128. Has culminated in the first national conference, but prior to the conference, a number of regional officials and PRC experts have been able to air the issues around AIDS. One instance however has been of embarrassment to local and then central officials, with the case of a retired doctor, Dr Gao Yaoji, who spent her pension funding her work with the Henan villagers, to international acclaim. As she performed this assistance without any cooperation from local officials, and took on an advocacy role, she was denied a passport in June 2001 to attend the Global health Council awards ceremony. [4rg]

5.129. The 23rd Congress of Pediatrics, meeting in Beijing on 12 September, flagged up AIDS/HIV infection as a serious forthcoming risk to the birth rate in future years. (The birth rate of natal and neo-natal deaths to live births was given as 33 per 1,000 births, a decrease in infant mortality.) [4rm]

5.130. People with AIDS / HIV are starting to speak out openly for the first time, such as in the request to speak to the first national conference [4ro] and the launch on 6 November 2001 of Xiao Cai's personal website, as unofficial support website. [4rr]

First National Conference

5.131. Key reforms came out of the conference held in Beijing, on 13 - 16 November 2001. It was held to a remarkably open international conference [4rq][4ru][4ry] though it was marred by the decision to bar representatives (with AIDS) of the Henan villages affected by the blood transfusion scandals from speaking to conference [4ro][9cz]

Statistics

5.132. Most sources outside PRC opine that there has been considerable under-reporting of AIDS/HIV cases. The Ministry of Health's 1996 official estimates are of 200,000 plus cases as opposed to 9,970 recorded cases. In 1997, Guangdong Province (in Southern coastal China) had the fastest infection rate, but recent reports indicate Yunnan Province (in South China) and XinJiang Province (in West China) had dramatic rises in 1998. Hong Kong has better epidemiological data, with an estimate

of 12,000 cases for year 2000. [4jw][20e][20f]

5.133. Figures were released by the Ministry of Health in late August 2001, based on data for the period up to the end of June 2001. Yin Dakui, vice minister of Health, announced there had been 584 deaths of people with AIDS since the first case was reported in China in 1985. That the accumulated number of confirmed AIDS / HIV cases now stood at 26,058 cases, with 1,111 cases of fully blown AIDS. The official estimate of HIV-positive cases (as opposed to confirmed cases) was now over 600,000 people by the end of year 2000. [4rk] Intravenous drug use was held to be responsible for 69.8 percent of HIV infection cases. [4rk]

5.134. In September 2002, the PRC authorities admitted that there may be over one million HIV cases in China, and that a projection towards 2010 might see the development of over 10 million cases of people with HIV. [9ez]

Treatment

5.135. Directly out of the first national conference has come a commitment to develop a programme of Methadone treatment for heroin addicts, in order to increase control on the transmission habits of intravenous drug users. [4rz] A "low-cost" vaccine that stimulates the immune system was announced in the US in July 2001, along with the announcement that if successful after US laboratory trials, the vaccine would be subsidised and used in clinical trials in China. [4ri]

5.136. The typical cost of patent-protected retrovirals - AZT being the generic name - in PRC has been given as 870 Yuan (£62) for Videx and 3,110 Yuan (£225) for Zerit (both made by Bristol-Myers Squibb) for courses lasting fourteen days. [4rv]

5.137. There has been a general demand in China for the development of cheaper pharmaceutical treatments. [4rt][4rv][9cx] The Chinese state media has given wide coverage to such developments as South Africa's landmark judgement breaking pharmaceutical companies' restrictions. The Chinese authorities have noted that India is now able to produce drug treatments at a cost of US\$300 per patient per year, as opposed to the imported drug regimes of up to US\$10,000 per patient per year. The Chinese government has hitherto been very careful to respect US patents on drugs as part of its measures to qualify for WTO entry, [4rt] but, since gaining entry, warned in September 2002 that it will have no other choice but to do so in order to meet China's need. [9fa]

5.138. Two PRC pharmaceutical companies have announced they have plans to manufacture de-regulated "cocktail" therapies. [9cx] One firm, Shanghai Desano Co, has put forward two proposals that would reduce drug therapy down to 3,000 Yuan (US\$360 - £220) a year per patient. It admits that no international company could pitch so low, and only expects to break even. [4rv] In August 2002, the North East Pharmaceutical Group announced that it hopes to make AZT treatments for a tenth of the price of imported AZT as soon as September 2002. Chinese doctors are concerned that even the locally made, cheaper products will still be beyond the pocket of most Chinese HIV patients. [9ey]

Strategy

5.139. The State Council's AIDS prevention plan for years 2001 to 2005 was published in September 2001. It focused on the strengthening of the administration of blood collection stations and the development of the treatment of AIDS as a major Chinese research goal. [4rn][4rj] The plan also hopes to address ignorance about AIDS/HIV by improving the quality of media reporting of the issue. [4rj][4ru] There are the beginnings of a social turnaround, with state media beginning to show a sympathetic approach towards people with AIDS / HIV. [4rs][4ru] In September 2002, it was reported that middle schools are starting to experiment with sex education programmes for students. [9fc]

Tuberculosis

5.140. The PRC has reportedly the second largest TB problem after India. Deaths from TB are currently, again reportedly, around 250,000 a year. An adviser on China to the World Health Organisation (WHO) has estimated that 40 percent of the PRC population are carriers of TB, further estimating that 5 percent of the population will ultimately die from the disease. [22ak] Work is currently being undertaken by NGOs such as Medicin Sans Frontiers (MSF), developing the usage of a treatment known as Directly Observed Therapy, Short course (dots). It is a drug therapy given and monitored directly by the agency over an eight month period, at a cost of US\$30 per patient, with a claimed 95 percent success rate. [22ak]

Mental illness

5.141. Psychiatric treatment for schizophrenia in China. There is a well-established system of psychiatric hospitals and institutes within China. Residential, long-stay institutions are known as psychiatric welfare institutions (*jingshenbingren fuliyuan*) and complement other welfare institutions (social welfare institutions - *shehui tuanti*; child welfare institutions - *ertong fuliyuan*). People

with chronic mental illnesses may be found in the social welfare institutions, primarily because of the relative scarcity of the dedicated psychiatric welfare institutions. [12e]

5.142. The Public Security Bureau maintains twenty psychiatric institutions, known as Ankang ("peace and health") institutions, for inmates deemed to be criminally insane. PRC claims ten to twenty per cent of all mentally ill people in China pose a "serious danger" to society, and thus need institutional care. [4ps]

5.143. The Chinese psychiatric hospital community has a low ratio of professional psychiatrists to head of population, with 13,000 psychiatrists serving a population of 1.3 billion. [4pu] Other figures are put at 3,000 serving 1.3 billion. [9cv] Mentally ill patients are held officially by PRC to number 16 million, but non-PRC commentators estimate the number may be as high as 48 million. [4pu] Societal disinclination to seek help for mental illness is gradually changing. [4pt]

5.144. The Chinese pharmaceutical industry does produce many generic drugs found in the UK under licence (and sometimes, without licence). The generic atypical anti-psychotic olanzapine has been approved for marketing in China since December 1999, under the Eli Lilly brand name of Zyprexa. [4pr] The generic had been available for research and development under licence, as a compound, in Hong Kong since November 1998. [4pq]

5.145. Suicide is seen to be an increasing social problem, with the attendant health care concern of mental illness. China has a suicide rate of 250,000 suicides a year (287,000 in research released in February 2002) and an estimated 2 million attempted suicides. [4sc] [9ec]

5.146. Increasing rates of mental health problems has led to the introduction of the first local mental health legislation in China being formulated in Shanghai in June 2001, to enable local initiatives to work. [4sa] Likewise an overhaul of national legislation on mental health care was announced in October 2001. The review hopes to lessen the stigma felt by China's 16 million registered people with mental health problems. [4sb]

5.147. 30 million children under the age of 17 years are held to have behavioural and psychological problems. [4sd]

Heart transplants

5.148. The current cost of a heart transplant in PRC is up to 400,000 Yuan (US\$ 50,000 = £28,500). There is a waiting list of over 250,000 patients. China Daily maintains that the limited supply of suitable organs is a main factor in the high price of transplants. [22ab]

Iodine Deficiency Disorder (IDD)

5.149. IDD is a nutritional disorder that can cause mental problems, miscarriages and pre-mature births. IDD has previously been a challenge to healthcare in China, with the PRC claim that over 80 percent of the nation's 10 million cases of mental disability are reportedly a result of IDD. The PRC has taken part in UN joint initiatives throughout the 1990s to wipe out IDD by year 2000 globally. The state Council has issued several directives that have ensured that 93 percent of the population now have access to ionised salt to be added in cooking as a nutritional supplement. [22ac]

Health promotion initiatives

5.150. Centring around 28 October 2000 as Men's Health Day, the PRC authorities launched a men's health awareness promotion in 16 main cities, particularly addressing rising rates of heart disease and diabetes. [22ai]

People with disabilities

5.151. Rehabilitation programs for people with disabilities are in evidence organised by all the five tiers of administration in PRC (namely, at national, provincial, city/county, district/township and neighbourhood/village). [11k]

5.152. The disabled population numbers over 60 million; subdivided into six main categories - 1. Hearing loss (20.57) 2. Mental retardation (11.82) 3. Physical disabilities (8.77) 4. Visual disabilities (8.77) 5. Psychiatric disabilities (2.25) and Multiple disabilities (7.82). There is a 25 percent urban / 75 percent rural split in population. 45 percent of individuals were of working age and in 1997, 70 percent of that subgroup living in urban areas were in employment. [11k]

5.153. The key goal of the rehabilitation services is to bring the disabled person back into the workforce. In 1998, 53 percent of all disabled individuals were self-employed. [11k]

5.154. Changes to the social security system were passed by the Standing Committee of China's State Council, ensuring local payment of minimum levels of social security benefits. **[4bc]** Disabled people are given to be 60 million in number; 4 million people have been assisted with rehabilitation over the past ten years. In the same period, 73% found employment in 1999 as opposed to less than 50% in 1989. After a government drive, a reduction from 17 million to 10.6 million below the poverty line this year was claimed. **[4bo]** In the same reforms, the elderly are to be given "vouchers" for choice of residential centres. **[4be]** The China Disabled Persons' Federation, headed by Deng Pufang, however maintains that 320,000 people with disabilities have recently lost their jobs, and the legal quota of 1.5% % of workforce places reserved for people with disabilities is being flouted. **[4co][2e]**

Organ removal

5.155. In recent years, credible reports have alleged that organs from some executed prisoners are removed and transplanted. **[2g]** Officials have confirmed that executed prisoners are among the sources of organs for transplant, but deny that their trade exists. **[4fr]** There is no national legislation governing organ donations, but officials assert that consent is required from prisoners or their relatives before organs are removed. **[2b][10e]**

5.156. The US State Department and others have revived debate over organ harvesting after Wang Guoqi, a former employee of the PAP General Division Hospital in Tianjin, claimed in June 2000 that skin and corneas of over 100 executed prisoners were harvested. **[2i]** **[20o]** The Chinese government retailed that Wang had fabricated the story in order to enhance his asylum claim in the US. **[2i]**

EDUCATIONAL SYSTEM

5.157. The Constitution provides for 9 years of compulsory education. **[2d]** Since 1978, China has adopted a policy ensuring at the 9 years of compulsory schooling, ensuring students complete a primary and middle school programme. In practice about 7 years of education are achieved on average. Pre-school education is stated as existing, but schooling really begins at 6 to 7 years old with primary schooling. High school education is a six year programme, divided into a three year junior high school programme, and then a further senior programme. **[21b]**

5.158. Much of the senior programme is grooming for higher education exams. Higher education has a two tier approach, with 2 to 3 years courses and 4 to 5 year degree courses. Graduate courses are also run. Nationwide college entrance examinations are held within the first ten days of each July (nicknamed "Black July"). **[21b]** Student debts and accusations of access-through-bribery are current concerns in Chinese universities. **[9gj]** **[9gk]** Special low interest loan schemes created by the Government in 1999, when universities were permitted to charge fees, are floundering as graduates are finding the loans difficult to repay. **[9gj]** There are also allegations that students are being chosen on hidden criteria, such being well-connected, as much as on their individual academic prowess. **[9gk]**

SOCIAL SOCIETIES IN CHINA

5.159. The main method of control of non-governmental and non-party political and social action and debate is through the system of registration of civil society organisations. The registration system, and conversely non-registration and banning, is the key to understanding human rights issues in PRC. **[11g]**

5.160. Commentators and academic sources have seen an embryonic non-governmental civil society emerging over the 1990s. **[9t][11g]** Most analyses have concentrated on the way the Party and the state organisations have compartmentalised such social societies in order to frustrate a pluralistic system. One academic source argues that this aspect overshadowed the "the dynamics of change in China and the capacity of the 'co-opted groups' to influence the policy-making process or to pursue the interests of their members." **[11g]** Urban neighbourhood committees are held to be undergoing conversion to community service agencies. **[9t]**

5.161. The number of social societies in 1993 was estimated by *China Daily* to be 1,500 autonomous organisations operating at national level, and 180,000 at local level. Official Statistics from the Ministry of Civil affairs show that by the end of 1996, 1,845 national and 186,666 local organisations were registered. **[11g]**

5.162. The spectrum of such societies range from the China Family Planning Association (set up by the Family planning Commission) to Friends of Nature, "that operates as freely as one can in the field of environmental education". The further away from party-state sponsorship, the more vulnerable to administrative interference. **[11g]**

- 5.163.** The senior CCP leaders have emphasised a restrictive legislative and organisational framework within Leninist organisational principles of non-plurality. To these principles has been added the desire to thwart social unrest and to prevent social societies from becoming a vehicle for criticism of the party and economic reforms. **[11g]**
- 5.164.** The economic reforms passed in principle in 1997 and 1998, if fully implemented, will reduce the state's role considerably. In anticipation of a consequential expansion of the non-governmental social sector, the State Council approved regulations on registration in September 1998, extending legislative control on the growth. **[11g]**
- 5.165.** The process of registration under the 1998 regulations was essentially two tier. Firstly, all social organisations must find a professional management unit (*yewu zhuguan danwei*) colloquially known as the sponsoring unit (*guakao danwei* = "mother-in-law"). After finding a sponsor then the registration paperwork may be sent to a registration management agency (*dengji guanli jiguan*), usually part of the MoCA (Ministry of Civil Affairs). So affiliation precedes registration. Rejection can occur at any stage of the process and there are no appeal rights. **[11g]**
- 5.166.** Another aspect of the new regulations is that "similar" organisations are not permitted to co-exist. Hence, "mass organisations" such as the All China Women's Federation and the All China Federation of Trade Unions are unassailable in their monopolies. **[11g]**
- 5.167.** Social societies post-1998 must register with the appropriate civil affairs department from the county level upwards. This ensures local groups find it impossible to enrol members from different areas. Conversely, national organisations are forbidden from creating regional branches. Names with "China" (*Zhongguo* or *Zhonghua*) or "All China" (*Quanguo*) in their title must be approved under the regulations and must not apply to a locally registered organisation. **[11g]**
- 5.168.** The State has further means of control: groups can not only be denied registration but also declared illegal (e.g. Falun Gong, China Democracy Party). The source argues that such decisions to ban can be very idiosyncratic. Other control methods include: have the sponsoring organisation remove support; pull up organisations on financial regulations; and/or identify key members who employed in state industries moved to demanding state jobs in the hope that they will be too busy to be effective in the social organisation. Finally, post 1998, the Party has ensured that each organisation is obliged to contain a Party cell, which in turn is linked directly to the Party committee in the sponsoring organisation. **[11g]**
- 5.169.** Organisations have got round the above restrictions, to varying degrees, on the basis of two main accounts. Firstly, the state and the Party are both too weak in terms of finances and human resources to implement such restrictions. Secondly, the organisations have developed a number of evasive strategies. One popular strategy was to register as a business, but this loophole was closed off by the 1998 regulations. Another is to remain a "secondary organisation", securing the sponsoring body's approval to go forward for registration, but not to proceed. The organisation has most of the main advantages of registration if it stops at such a point. This is often achieved through adoption under academic institutions and research bodies. Another method is to operate covertly within the shell of an essentially dormant or moribund existing social organisation (an example given of an active family and sexual advice clinic operating in Beijing under the auspices of the China Association of Social Workers.) *Guanxi* (social favours and obligations) also play a part, and officials manipulated particularly at local level. **[11g]**
- 5.170.** There also organisations operating whom do not bother with any part of the registration process. There has been a growth of such organisations, operating either as "clubs", "salons", or "forums", or as traditional philanthropic practices around clan, family, or village ties. The source argues that the tightening of the regulations might actually, paradoxically, spur the growth of these non-organisations. The number estimated in 1996 was of around 20,000 nationally; Yunnan Province had for instance only 13 of 100 financial social organisations linked to the People's Bank of China in June 1995. **[11g]**
- 5.171.** Social organisations have had their successes in affecting policy. The source cites the case of the China Family Planning Association's feeding back to policy makers, grassroots' concerns about implementation of birth control policies. Since 1995, the family planning services have been formally geared to a more client-based philosophy. Education and Environment groups have relative autonomy to pursue their aims. **[11g]**
- 5.172.** Some organisations have not only used existing organisations as a shell, but also a means of promoting their objectives. The example of the women activists associated with the magazine *Rural Women Knowing All*, who have developed through the All China Women's Federation an effective programme of health education and health promotion amongst rural women. **[11g]**
- 5.173.** The source concludes that the development of a civil society is fast approaching attendant to economic reforms, opening up difficulties for the Party / State to maintain traditional Leninist party culture and "transmission belt" policy. In urban areas, native place is fast growing to be an organisational principle, akin to *tongxianghui* developments outside PRC. **[11g]**
- 5.174.** The US State Department in February 2001 noted "social groups with economic resources at their disposal continued to play an increasing role in community life," concluding "most average citizens went about their daily life without significant

interference from the Government, enjoying looser economic controls, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life." [2g]

5.175. The US State Department however added the following qualification: "...the authorities were quick to suppress any person or group... that they perceived to be a threat to government power or to national stability..." and included citizens who expressed "openly dissenting political and religious views". [2g]

CHINA COUNTRY REPORT

OCTOBER 2003

COUNTRY INFORMATION & POLICY UNIT

6A. HUMAN RIGHTS ISSUES

[Part I](#)

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6.A Human Rights Issues

Overview

6.1. The overall opinion of the US State Department in their March 2003 report (for 2002) was that 'The [Chinese] Government's human rights record throughout the year remained poor, and the Government continued to commit numerous and serious abuses.' The key areas of concern were the lack of an independent judiciary, the torture and mistreatment of detainees, the high number of executions: including killings not sanctioned by the courts, censorship of the media and the suppression of dissidents; some of them religious or linked to separatist movements. [2g.]

6.2. The Government for the PRC accused the United States of distorting human rights conditions in many countries, including China "while turning a blind eye to its own human rights related problems." [12n.]

6.3. Amnesty International (AI) has repeatedly complained about the PRC's refusal to permit any form of verification of human rights allegations by international NGOs. [2f] The stated view of the PRC government is that there are legitimate and differing approaches to human rights and that the approach taken is a matter for individual governments. [12m.]

6.4. In March 2003, the Foreign Ministers of the European Union member states expressed concern over China's human rights record, though not seeking to raise a UN resolution to that effect. [9gn]

6.5. On 11 September 2003, James Kelly, assistant US Secretary of State for Asia, voiced concern about China's poor human rights records. He concluded in testimony before the Senate Foreign Affairs Committee that "Ongoing human rights violations are a serious impediment to better relations and undermine the good will generated by individual releases [of dissidents]..." [10bj.]

Torture

6.6. The use of torture and degrading treatment in dealing with detainees is prohibited by law, but systemic weaknesses (such as the reliance on confession evidence) encourages its unofficial use. [2b][2g] There have been a number of reports alleging that confessions were obtained by torture and of witness statements made under torture or duress. [4e]

6.7. In June 1998 it was reported that the Supreme People's Procuratorate published a series of books designed to improve police practices and further legal reforms. The books admitted that people have been tortured to death while in police custody. [4g][2d] [2e][2g] In August 2003, China's public security minister, Zhou Yongkang, was reported as urging the police to respect human rights and end the use of arrest quota. It was alleged that this had resulted in the rounding up of drug addicts, HIV/AIDS sufferers and migrant workers by the police in order to meet their quotas. [9gae.]

6.8. An Amnesty International (AI) report of 12 February 2001 alleged that torture is widespread and systematic in PRC. The report alleged that there was "a growing range of officials... being cited as perpetrators of torture", and many abusing powers of investigation for corrupt purposes. [6w][9bq] The PRC rebuttal claimed that the allegations were "groundless", "rumour and hearsay" [4nf][9bq]

6.9. For the period January to December 2002 Amnesty International (AI) alleged that 'Human Rights violations continued and in some respects the situation deteriorated.' [6ag.] In June 2003, however, they welcomed the decision by the PRC government to abolish the form of detention known as "Custody and Repatriation", which it claimed had led to the widespread mistreatment of vagrants and other vulnerable groups. [6ah.]

6.10. A number of prominent dissidents have been released in 2002 and early 2003. These include Tibetans, Ngawang Choephel, Jigme Sangpo, Ngawang Sangdrol, Tenzin Thubten, Ngawang Choekyi, Ngawang Chozom and Gyaltsen Drolkar and the co-founder of the China Democratic Party (CDP) Xu Wenli (US State Department). However over 1000 people are still serving sentences under the now defunct Law Against Counter-revolutionary Activity. Concern has also been expressed about the extension of the 'strike hard' campaign against organised crime to include separatists in Xinjiang (XUAR) and members of Falun Gong. [2g][6ag.]

Freedom of Speech and the Media

6.11. According to the constitution citizens enjoy freedom of speech and a free press. However, the government interprets the CCP's leading role as circumscribing these rights. It does not permit citizens to publish or broadcast criticism of senior leaders or opinions that contradict basic CCP doctrine: providing for a socialist state under the Party's leadership. The Law on the Protection of State Secrets gives a general and broad definition of state secrets, which includes the "secrets of political parties if they are deemed to affect the security and interests of the state." Since the affairs of the CCP are intricately linked to those of the state, this effectively bans public reporting or debate of any political issue that the CCP authorities decide should not be disclosed. [2b] [2e][6g]

6.12. Overall, the Chinese publishing industry has grown by approximately 25 per cent in the period 1995 to 1999. [4jk][4jl][4js] China is also undergoing a communications revolution and despite government controls, information is flowing into China at an increasing rate. The use of short wave radio is unrestricted and the Chinese language broadcasts of the BBC and Voice of America are widely listened to. Access to satellite television broadcasts is spreading and most sites on the Internet are accessible. China has announced curbs on electronic media designed to block pornography and other forms of spiritual pollution. [2b] In January 1999, Lin Hai was sentenced to 2 years in prison for "inciting subversion of state power". He had supplied a US-based dissident magazine with 30,000 mainland e-mail addresses. [10q] In October 2000, the PRC brought in tight regulation of Internet development. The regulations limit international investment, requiring strict surveillance against 'subversive' content and have powers to close down unlicensed firms. [4jj][9ae]

6.13. In December 2000, the extradition laws and laws on Internet usage and regulation were brought in. It is now an offence under the Criminal Code to hack into government, defence and business sites. Likewise, to create and promulgate computer viruses. [4kz] Special police units have been set up and trained to monitor Internet content. [2g]

6.14. On 21 July 2003, the official news agency (Xinhua) reported that the PRC had 68 million Internet users, 8.9 million of which used a broadband connection. This compares to 22.5 million in 2001. The Internet is increasingly important as a source of news and information within the PRC. [9gag.][9gah.] **6.15.** In September 2003, the State Administration of Radio, Film and Television (SARFT) announced plans to relax controls on state television making it easier for private companies to produce programmes independently of their state "partners". Censors will still have a power of veto over which programmes can be shown. [20bn.]

6.16. In August 2001, Internet entrepreneur, Huang Qi, was sentenced to 5 years in prison after being convicted of plotting to overthrow the government. [20bo.] He was charged with posting subversive material on China's democracy movement, Xinjiang

nationalist movements and the Falun Gong. **[4nh]** Falun Gong has been seen to be an Internet phenomenon, with its philosophy and its persecution accessible on a global front: PRC propaganda has developed an Internet twist. Many people in PRC, it is reported, are annoyed with the Falun Gong as their casual interest has led to aggressive emailing by Falun Dafa. **[4mw]**

6.17. In June 1998, US President Clinton made a nine-day tour of China. During his visit, he was given three opportunities to speak directly to the Chinese public through television and radio broadcasts. **[10e]** In February 2002, US President Bush visited China, but was given limited and partial coverage in news reports within PRC. During the visit, there was also included the arrest then release of 47 elderly Christians who sought President Bush's support over the enforced closure of their church / nursing home complex. **[9du]**

6.18. In 1999, President Jiang Zemin (1993 - 2003) ordered senior officials to step up ideological vigilance and keep a tight grip on the media and other channels of mass communication. **[4u]** New regulations about websites came into effect in October 1999, primarily banning links to foreign news services, but these have been flouted since December 1999. Censorship of websites appears to be inconsistent, though some Internet service providers practice self-censorship. **[2e]**

6.19. Academics have been under increased pressure to conform, as part of an ideological campaign in April 2000, resulting so far in four dismissals of senior academics at the Chinese Academy of Social Sciences. **[4gi]** The Party is keen to step up its ideological campaign in universities and colleges, seeking to "reform the political loyalty" of the younger generation of college heads and principal academics. **[4ig]**

6.20. On 18 September 2003, Chinese nationalists collected 1,120,000 signatures (using the Internet) on a petition calling on the Japanese government to compensate the victims of chemical-weapons left behind by the Japanese army at the end of WW2. **[10hn.]**

Journalists

6.21. Journalists are permitted to report in areas of economic and legal reform but are not free to report on political reform. Those who air their views in Hong Kong and Taiwan newspapers may be subject to petty sanctions, such as exit permits denied, housing entitlements revoked and periodic police detention and questioning. The formal charges brought against the dissident Wang Dan were based on public criticisms of the government; his sentence in 1996 to 11 years imprisonment was much harsher than was imposed for his pro-democracy activities in 1989. In the face of ideological controls, many intellectuals and scholars exercise self-censorship. **[2b][3e]**

6.22. In 2002, there were 39 journalists imprisoned in the PRC (figures from Attacks on the Press). Reporting of the 16th Communist Party Congress (November 2002) was tightly restricted. With the authorities particularly sensitive to accusations that newly elected President Hu Jintao was a "puppet" of former President Jiang Zemin. **[20ba.]** Full details of the journalists arrested and detained in the year 2002 can be obtained in the annual report by Attacks on the Press. <http://www.cpj.org/attacks02/asia02/china.html>

Freedom of Religion

6.23. China is a multi-faith country, the main religions being: Buddhism (100 million adherents); Christianity (20 million adherents, 3:1 in favour of Protestants); Taoism (numbers unknown) and; Islam (20 million adherents)

These religions are tolerated to differing degrees (see below). As a rule of thumb the majority Han believe in Buddhism, Christianity or Taoism. The Hui and Ughurs follow Islam, while Tibetans and Mongolians are Buddhists. **[16ad.][2h]**

6.24. Although the Constitution affirms tolerance of religious belief, the government seeks to restrict and control religious practice. All religious groups are required to register with the Religious Affairs Bureau (RAB) and come under the supervision of official "patriotic" religious organisations. The police and religious officials have been responsible for shutting down unauthorised mosques, temples, seminaries and "house church" groups. The leaders of such groups have, on occasions, been subjected to detention and lengthy questioning. Since 1996 all registered groups are subject to annual inspection. The restrictions under which they operate vary by location. **[17a]** However, the government generally tolerates the existence and activities of unsanctioned churches as long as the services are small and there is no higher-level organising. In some areas registered and unregistered churches are treated similarly by the authorities and adherents worship in both types of churches. In general, individual worshippers are not harassed by the regime, whose sporadic efforts principally target leaders for harassment, detention and physical abuse. **[2a][2b][2d]**

6.25. The monitoring of religious activities is primarily undertaken by the state council's Religious Affairs Bureau (RAB). The RAB is the arbiter of what is held to be a "true" religion, dealing with the registration of places of worship, and monitors such venues.

[2h]

6.26. Since 1979, there has been a gradual relaxation of government policy towards religious activities. This has led to churches, temples, mosques and lamaseries (Tibetan Buddhist monasteries and nunneries) closed or destroyed during previous decades being restored and reopened. According to the government, there are now more than 85,000 registered places of worship. Students at officially administered religious institutes must demonstrate "political reliability". Religious belief is considered to be incompatible with CCP membership and participation in religious activity is forbidden to members of the People's Liberation Army (PLA). [2b][2d][6d]

6.27. China has invited an increasing number of foreign religious organisations to visit religious sites and talk to official religious figures and leaders. [2d]

6.28. The US State Department in their March 2003 report (for 2002) wrote that "Overall, government respect for religious freedom remained poor, and crackdowns against unregistered groups, including underground Protestant and Catholic groups, Muslim Uighurs, and Tibetan Buddhists continued. The Government continued its repression of groups that it determined to be "cults" and of the Falun Gong in particular." [2g]

The Role of Religion in the State

6.29. To the Chinese Communist Part (CCP) religion is synonymous with separatist movements and in the case of Christianity and Islam also associated with malign foreign influence. The Taiping rebellion (1851-64) succeeded in mobilising a great deal of support amongst the poorer classes and was initially supported by foreign powers. Its leader, Hung Xiuquan was a Christian convert and, until internal feuding and military blunders led to his defeat, he threatened to overthrow the Manchu dynasty. [20ap.] [20aq.]

6.30. In December 2001, state media sources reported a senior official from the RAB calling for the party to relax rules on religion to allow Party members room for "philosophical" worship. [4si] Another news report on the conference where the above call for limited tolerance was made, stated that one concrete result of the conference was an announcement that it would be easier for religious groups to register with the Bureau. [4se] The registration process can be and usually is very laborious for applicant groups and in the case of Protestant Christian groups, there is much antipathy between the official Three Self-Patriotic Association and protestant groups wishing to exist independently. [4se]

6.31. On 1 February 2002, new rules came into force increasing state control over the media, banning materials that promote "cults" and increasing fines for the abuse of official licences. [4sn]

6.32. In May 2002, the deputy director-general of the State Administration for Religious Affairs (translated in other sources as the Religious Affairs Bureau - RAB), Wang Zuoan singled a shift towards a more relaxed approach to religion, in part to further undermine the appeal of "cults". Former President Jiang Zemin (1993 - 2003) also lent his weight to calls for permitted religious groups to unite with the state to stop the "invasion of evil cults". [4vu]

6.33. Documents smuggled out of China and published on the Internet in February 2002 appear to show an organised attempt by the authorities to coerce religious groups into following an approved party line. [22by]

Religious Groups

Christians

General Information

6.34. In the 1950s the government, to curb perceived foreign domination of Christian groups, established the Catholic Patriotic Association (independent of the Vatican) and the (Protestant) Three-Self Patriotic Movement. In 1980 the (Catholic) National Bishop's Conference and the (Protestant) China Christian Council were established. These churches are the only ones authorised to operate openly. The government estimates that China has 4 million registered Catholics and 10-15 million registered Protestants. The oldest Catholic Church in China, Xuanwumen Catholic Church in Beijing, was reopened after a 2-month refit, partially paid for by government grant. [4bs] Unregistered Catholics loyal to the Vatican were concerned after five bishops were ordained on 31 December 1999 by the Patriotic Catholic Church (the state-approved church not recognised by the Vatican) on the same day as 12 bishops worldwide were ordained by the Vatican. [4fk] Unregistered Christians in China, in addition to Vatican-orientated Catholics, include "house church" Protestants, of whom only a minority are registered. [2c][2d]

6.35. Over 20 million bibles have been published in the last two decades, according to the Three-Self Patriotic Movement. [4v]

According to the BAR, Bibles are being printed in China at a rate of 10,000 copies a day. The main printer of Bibles in China is the Amity Printing Company Limited, Nanjing, Jiangsu province. Two versions of the Bible are used within Mainland Chinese churches - the Chinese Union Version and the more contemporary, Today's Chinese Version. Bibles may legally be sold through any outlet except state-run bookshops, which in effect means they are sold through the churches themselves. **[3cg]**

6.36. From time to time religious groups break the law. Foreign-based Christian groups are known to operate clandestinely. **[4in]** One British author made the point in May 2002 that many of the leading Chinese dissidents are supported personally by strong religious, usually Christian, convictions. **[4vt]**

6.37. In December 2001, President Jiang Zemin (1993 - 2003) and Premier Zhu Rongji (1998 - 2003), both attended a Party Work Conference on religion. While here they praised the work being done by mainstream religious organisations and urged those not registered with the RAB to do so. **[4tl]**

Protestant Christians

6.38. Protestant groups can be divided into a number of categories. There are the official churches aligned to the Three-Self Patriotic Movement / Chinese Christian Council axis. Secondly, there are Christian groups not aligned to the official church mechanism and attempting registration. There are also churches with no intention of going for registration, and groups held to be Christian-influenced but mutually antipathetic to other Protestant Christian groups (registered or unregistered.) **[2h]** There are tensions between the unofficial groups and the official mechanism. Unofficial groups are predominantly fundamentalist in theology and object to representation by an organisation far more liberal and flexible in position than themselves. **[2h]**

6.39. In Fujian province, the situation differs from the main areas of anti-Christian activity. Registered and unregistered churches operate side by side: unregistered churches are not very "underground". For example, two groups, True Jesus church and Little Flock church groups operate openly, the former with a large prominent church building in Fuzhou. Unregistered churches in Fujian are reported to be in contact with the Three-Self Patriotic Movement and the CCC. **[3u]** There is reportedly much evidence of the construction of new church buildings in Fuzhou, in response to a current rapid growth in religious adherence. **[3r]**

6.40. The Canadian IRB produced document CHN33002 on the condition of both registered and unregistered Protestant Christian groups in Fujian province in April 2000. It draws upon news reports, NGO reports and the opinion of expert witnesses. **[3u]**

6.41. Since late 1998, unregistered Christians in the PRC have generally been subject to increased pressure from authorities to register. Protestants have been targeted in Beijing, Henan province and Shandong province, all areas with growing numbers of unregistered Protestants. There has been similar targeting in Hebei province of unregistered Catholics. **[3u]**

6.42. Concern has been expressed about unofficial house churches falling foul of anti-Falun Gong legislation and being branded as sects. **[2e][17c]** Examples of arbitrary arrest include the following: in August 1999, thirty Protestant House Church leaders were arrested at a private home in Henan province. An official source said that most of those detained had been released after receiving "re-education." **[4au][17bb]** On 23 August 1999, eight house church (unofficial Protestant church) leaders were arrested and held by the Public Security Bureau (PSB), in Henan province. Two of them were later released (on 5 October 1999) but the exact whereabouts of the remaining 6 are unknown. On 25 September 1999, Police in Cansu province detained 14 members of the MenTu Hui (Disciples Society). More recent arrests have included the overnight detention of 300 unregistered Christian church members in Beijing on 2 January 2000 **[4fa]** later released on 5 January 2000 **[4fd]**

6.43. The Christian Reformed Church operated in China before the Communist takeover, but the North American organisation is now unconnected with any Chinese remnant, and the CRC is not known to operate in Guangdong province. **[3ar]**

6.44. Documents have been smuggled of China in February 2002 that purport to be orders to police chiefs to use "forceful methods" on female Christians of unregistered churches. A Christian campaign group, the Jubilee Campaign, claims that methods are designed to extract false claims of rape and other sexual abuse to incriminate pastors. Other claims include prison guards intimidating female prisoners with impunity, sexual abuse of prisoners and intrusive medical examinations. **[10bf]**

Catholic Christians

6.45. The Canadian IRB produced a document dated 27 January 2000, CHN 33598.EX, outlining general conditions and practice of Chinese Catholic Christians, making mention of conditions within Fujian province. **[3z]** A key book regarding the Catholic communities in China is Richard Madsen's *China's Catholics* published in 1999. **[5x]**

6.46. A distinct split exists between the registered and unregistered catholic churches. The unregistered church is loyal to the Vatican and refuses to cut ties with the Vatican or to accept local election of bishops without Papal appointment. The Chinese

authorities view such points as political matters, while many Catholics see them as points of principle. As a consequence of this there is a high rate of non-registration amongst Catholic churches. Relations between registered and non-registered Catholics depend on locality; in some areas they co-exist harmoniously side-by-side, but in others they are openly hostile to one another. [3z]

6.47. In Fujian province, in Changle County for instance, only 10 out of 80 Catholic parishes were affiliated with the Catholic Patriotic Association (equivalent to the protestant Three-Self Patriotic Movement) in 2000. There is currently rapid growth in Catholic Christian adherents and no harassment of unofficial congregations by the Fujian authorities at the moment. [3r]

6.48. In September 2000, a number of clerics of unregistered churches were arrested. [4it] The case of Yang Shudao, Archbishop of the Fuzhou Archdiocese is still on-going. Archbishop Yang has spent nearly 30 years in detention since his first arrest in 1955. He has consistently refused to co-operate with the CPA. His stance, however, does not seem to have impacted upon the Fuzhou unregistered Catholic community at large. [3r]

6.49. There has been one UK news article in December 2002 that has talked about increased tolerance for Catholic Christians in China and reported the acceptance by the PRC authorities of the Pope as a "spiritual head". [10be] This article stands out from other articles discussing the position of Catholics in China by failing to address the concerns of many Chinese Catholics over the issue of registration / non registration. [4se]

6.50. On 29 July 2003, official Chinese Catholic leaders met a visiting US Catholic Archbishop, Cardinal McCarrick. During talks Chinese delegates warned that Catholic leaders should not become "political stars" as "this does not conform with their religious rules." [20ar.]

6.51. Relations with the Vatican deteriorated badly over the canonisation of 120 Chinese martyrs by the Vatican in October 2000, with priests and bishops disciplined by the official church if they did not overtly support official criticism of the Pope's canonisation's. [2h] There was some mending of relations around the 400th anniversary of Matteo Ricci's mission to China. [4se] Contacts between the official Catholic patriotic association and the unregistered churches have been more fruitful, with the Vatican urging unregistered, Vatican-aligned churches to develop such relations, despite deep antipathy towards the official association held by some members and clerics. [4se] These canonisation's took place on China's National Day.

6.52. There are reports of local intimidation of the unregistered Catholics. [2h][3bl] For example, the local religious Affairs Bureau in northern Shaanxi has run a two year operation, code-named Operation 816, to corral unregistered Catholics into the official churches. The campaign has been intensified in October / November 2001. [4ts] The County of Fenxiang in northern Shaanxi is a key area of Catholic activity, with Fenxiang as the only unregistered Catholic diocese without a registered church alternative diocese in the area. It has 16 priests and about 20,000 believers in the diocese. In other words, Catholics in Fenxiang are overwhelmingly non-registered. [4ts]

6.53. According to the main Chinese Catholic NGO (the Cardinal Kung Foundation) the activities of the official church clergy are tightly monitored and curtailed by the authorities. With restrictions on movement for unofficial church bishops, such as Bishop Fan Zhongliang of Shanghai, "so tight that it is tantamount to house arrest." [3bl]

Minor Christian-influenced Groups in PRC

General Background

6.54. The defining features of the groups listed below are a rejection of the official Protestant church and its various attendant structures, combined with a tendency to develop an "authentic" Chinese interpretation of Christianity or variants, and dismissal of Western churches' theology. [20k]

6.55. Many of the new Church groups are based in Henan province, and many reported arrests have also been in Henan. For example the arrests in June 1995 in Zhoukou city, Henan show that many of the sects below are operating in the same areas and within the same populace (with the arrest of 68 Christians, and three groups named - the Shouters, the Born Again movement and the Disciples Association. [4oi]

The Shouters (*Huhan Pai*)

6.56. Since the early 1980s, the authorities have detained; fined or imprisoned members of an underground evangelical sect

called the Shouters (a branch of a pre-1949 indigenous protestant group). [2d][2e] One source lists the Shouters as being the successors to the Little Flock. [4oh] Other sources place the Shouters as having begun in China in Henan province in the 1960s, having been an import from South Korea. The South Korean sect is led by Li Changshou, who has a semi-divine status amongst the Shouters. [4ok] Most sources put the number of Shouters at 200,000 in the 1980s before and during the 1983 crackdown. [4oh][4ok] The Shouters were so called as members engaged in public shouting as part of their worship. [4ok]

6.57. Labelled a "counter-revolutionary organisation" in 1983, there was a crackdown on the Shouters with up to 2,000 arrests. On 3 July 1983, the "worst elements" of the Shouters were paraded publicly and given sentences of up to 15 years imprisonment. [4og] In the period 1983-1994, 70 members were imprisoned, with 13 still in prison by 1994. [4og][4oh] Human Rights Watch keenly observed their situation in the mid-1990s. [40h][12h] Most recently, Wang Jincai, a leader of the Shouters, was detained in a raid in 1999, only five days after serving a three-year sentence in a labour camp. [4as] The Shouters were officially condemned as a "sect" in a PSB circular issued sometime between April and August 1996. [12h]

6.58. In December 2001, a Hong Kong businessman was indicted with smuggling bibles to two leaders of churches branded Shouter churches in Hubei province. [4ss] Li Guangqiang attempted to deliver 16,000 Bibles to two alleged Shouter leaders. The bibles themselves did not differ greatly from the permitted Chinese translation and the authorities were keen to stress that the offence was to whom (namely a banned organisation) they were delivered. This was the first news report with the Shouters mentioned to be seen since Wang Jincai's detention in 1999. [4ss][9dl]

6.59. Li Guangqiang was permitted to serve most his sentence under house surveillance instead and has since been permitted to return to Hong Kong. Commentators suspect US Government pressure might have influenced the change. [9dm]

Born Again Movement (*Cong Sheng*)

Also known as New Birth, Total Church; Holistic Church (*Quanfanwei Jiao*) and the Crying Faction (*Ku Pai*)

6.60. In 1998, it reportedly embraced over 3 million adherents. [20k] A PSB document put the number in 1996 as 500,000 and accuses them of subversion, with an alleged plan of first undermining existing church structures and then moving on to political structures. [12h]

6.61. A key event for the Born Again Movement was the arrest of the leader Xu Yongze. Xu was reputedly the leader of a network of 3,500 house churches centred within Henan province and going by the names of New Birth, Total Church or Born Again. The network was reputedly active in 20 provinces in 1994. [20k] Xu was arrested on 16 March 1997, along with leaders of the Shouters and the True Jesus Church. [12h]

6.62. Doctrines of the Born Again Movement include an imminent apocalypse. Practices include a three-day period of repentance for all converts, of open wailing and crying; hence the colloquial name, the Crying Faction. [6u]

6.63. There is some confusion in the sources as to whether the Holistic Church (*Quanfanwei Jiao*) is part of the Born Again Movement or actually a separate group. [6u]

The Blood and Water Holy Spirit

6.64. A group mentioned in 1996 as having been started by visiting Taiwanese Christians. Subject to a crackdown on 9 May 1996, with Jiangxi province police arresting the leader, Zhang Guihua and twelve others for administrative sentences. Zhou Zuoyan, another church leader, was sentenced to two years' re-education through labour and went on the run after his release in 1995. [12h]

Spirit Church (*Lingling Jiao*)

6.65. Reportedly founded in the mid-1980s by Hua Xuehe. Hua pronounced himself a second Jesus, with attendant healings and miracles. [6u]

Wilderness Narrow Door (*Kuangye Zhaimen*)

6.66. Founded by Ji Sanbao in 1989 in Shaanxi province. [6u] (See directly below, *Disciples Association*)

Disciples Association (*Mentu Hui*)

6.67. Reportedly to be the successors to the Wilderness Narrow Door. There are reports of detention and administrative sentences such as re-education through labour throughout 1998 and 1999. Mentu Hui are chiefly investigated on the grounds of their rejection of medical treatment in favour of divine intervention and healing. **[6u]**

Oriental Lightning (*Dongfang Shandian*)

6.68. The believers of this group see a woman leader surnamed Deng from Zhengzhou, Henan province as the promised return of Jesus Christ incarnate. Reportedly they target established Protestant congregations aggressively, a technique they call "liberate the church by truth". In the early 1990s they were active across several provinces. 4 arrests have been noted all in 1999. **[6u]**

6.69. A news report in June 2002, talked of further allegations against Oriental Lightning. **[10bg]** 34 members of a Protestant group claimed that Oriental Lightning members kidnapped them, drugged and psychologically abused them. **[10bg]** The report mentioned a leaked PRC security report of 2001 that stated that 2000 members of Oriental Lightning had been arrested over the 1990s but that the group still posed a problem and a danger. **[10bg]**

Elijah Church (*Yiliya Jiao*)

6.70. A very small group (40 adherents), living communally in Yilan county, Heilongjiang province. On 15 July 1999, the police broke up and dispersed the commune, with three arrests. Other Yiliya Jiao groups may have been active in other parts of Heilongjiang from 1994 to 1999. **[6u]**

Fangcheng Church

6.71. Numbers up to 500,000 members, and though named after a county in Henan province, it is based Xihua county, Henan. The founder, Zhang Rongliang, was sentenced in December 1999 to two years' re-education through labour. Linked by source to Falun Gong crackdown, after Falun Gong was declared an evil cult in October 1999. **[4ol]**

South China Church

6.72. On the 30 December 2001, Pastor Gong Shengliang (founder), Hu Yong and Xu Fuming were sentenced to death after a "secret" trial found them guilty of 'using an evil cult to undermine law enforcement'. After pressure from the international community their sentences were reduced to life in prison. **[9dj][15ag.][17f.]**

6.73. The South China Church numbered 50,000 members, and was a splinter church from another Christian group, the Total Scope Church. Both are held to be fundamentalist, evangelical churches. **[4sm][9dj]**

Sects

6.74. The government of the PRC makes a distinction between the five officially recognised religions and those which it deems to be "evil cults" or "sects". Those groups that preach beliefs outside officially approved doctrine, such as the coming of the Apocalypse, are often singled out for harassment. Though the decision to persecute often appears arbitrary the authority of the CCP rests on its ability to maintain social order (under one party rule) and utilise this common sense of purpose towards the ultimate goal of socialist development. Groups that challenge this sense of order with apocalyptic visions of the future are at odds with this sense of order. **[17a][9gaj][21d]**

6.75. In Hunan province, 15 October 1998, the Xiangtan City Intermediate People's Court convicted Liu Jiaguo of rape, fraud and organising a subversive "evil" religious organisation. He was shot after sentence passed. Liu Jiaguo was a leader of the "Principal God Cult", the Zhu Shen Jiao. **[4ai][4ct][4db]** One source places the date of the cult's beginning as 1993, as an offshoot of a previous group "the Appointed King Cult" (the *Bei Li Wang*), alleging Jiaguo set himself up as the "principal god". When, in 1995, the "Appointed King" Wu Yangming was executed by the Anhui province authorities, the Principal God Cult took over. It peaked at 10,000 followers. **[4db]**

Falun Gong

Overview

6.76. The Falun Gong is a faith group that does not readily fit in with established faith groups, in or outside China. **[23a]** The Chinese authorities have formally branded Falun Gong as an "evil cult" (*xiejiao*) and draw parallels to new religious movements outside the PRC that have presented problems to other governments. However, Falun Gong cannot be understood in terms of a

"cult" in the Western understanding of the term, lacking a number of key essential features; nor as a religious faith, in Western terms. It is a phenomenon that makes sense in its Chinese context, while attractive in its all-encompassing vagueness and strangeness to Western practitioners and potential converts. It is still a debatable point as to whether it is a religion in terms of the 1951 Convention, though strong arguments have been produced that the Falun Gong are a "social group". Falun Gong is best described as a PRC cultural and now political phenomenon with religious aspects. **[23a]**

6.77. The official reason for banning Falun Gong was that it was held to be a cult, undermining the ancient spiritual discipline of qigong (See, *Beliefs and practice*) and posing as a religious organisation. **[11h]** According to one academic "The Falun Gong's ideological cogency and organizational virtuosity combined to make it a potent social force... Within the regime it was never a question of whether to respond to the Falun Gong's challenge, only how." **[9ga]**

6.78. Senior government officials have called on mainstream religious organisations to unite and help prevent the spread of cults such as Falun Gong. **[X3.]** Falun Gong has in the past been compared to terrorist organisations; exhibiting "terrorist like features" were the words used. **[4tl][4tr]**

6.79. During the SARS crisis (see, *Medical Services, Current Situation*) the authorities accused Falun Gong followers of obstructing the efforts to control the spread of the disease by refusing to be examined or treated. They also accused some practitioners of deliberately trying to infect themselves so as to spread the disease and undermine the government in the process. **[20aw.][20ax.]** A number of activists were also arrested accused of trying to recruit new members with false promises of immunity to SARS. By the end of May 2003 a total of 249 Falun Gong followers had been arrested in Hebei and Jiangsu provinces. **[20ay.] [15ad.][15ac.]**

Beliefs and Practice

6.80. Falun Gong was founded in 1992 in China by Li Hongzhi and developed from the traditional form Chinese martial arts known qigong (pronounced "chee-gong"). **[3g]** In addition to martial arts (exercises) qigong also comprises elements of philosophy, emphasising self-realisation and spiritual development. Falun Gong blended these components with elements of Buddhist and Taoist teachings. **[3g][20h]**

6.81. Traditionally, qigong masters have been accredited with extraordinary powers. Some "gongs" particularly emphasis this miraculous element, but it is not a defining feature of Falun Gong. Falun Gong promises better health and happiness, but not extraordinary powers. **[15e]**

6.82. Many terms such as Falun Dafa, Falun Gong, and Falungong are used in relation to the movement. The Canadian IRB document CHN33180.DOC details how and where these terms have been used. **[3g]** The term Falun Dafa is preferred by practitioners themselves. **[3g]**

6.83. There are five main exercises (encompassing about twenty movements) undertaken by followers of Falun Gong. These are as follows: -

1. Buddha showing a thousand hands - *Fozhan Qianshou Fa*
2. The Falun standing stance - *Falun Zhuangfa*
3. Penetrating the two cosmic extremes - *Guantong Liangji Fa*
4. The great heavenly circuit - *Falun Zhoutian Fa*
5. Strengthening divine powers - *Shentong Jiachi*

[22g]

6.84. The symbol of the Falun Gong is the *Wan* symbol. The *Wan* of Falun Gong is a golden-yellow right-hand swastika-like symbol on a red circular background, within a larger circle with further *wan* at the cardinal compass points followed by *taiji* (Yin-Yang) symbols in between. **[22f]**

Overview of Organisation

6.85. Li Hongzhi is the key figure in Falun Gong. As re-discoverer of the Way, he has a unique status as the principal teacher and

final arbiter of doctrine; his pronouncements are taken as guiding principles. His life story is a battleground for propaganda, with the authorities seeking to portray him as a confidence trickster with an inflated ego. [3g][11h] Li was sighted in July 2000 in New York State, and is said by Falun Gong activists to be in hiding in the US. [4nn][22as]

6.86. Technically there is no formal organisation amongst the Falun Gong. However, standardisation of websites, information flows and the nature of protest, indicate a high level of co-ordination between followers. [23a]

6.87. Membership in terms of organisation is held by the Falun Dafa Institute to be non-existent. Anyone can practice Falun Gong exercises. Followers are held to exercise together because they enjoy each other's company. Conferences are portrayed as the efforts of enthusiastic volunteers. [3co][22a]

6.88. There are no known membership lists, but there have been press reports claiming the Chinese authorities have assembled a list of a thousand names of activists and organisers operating outside the PRC. [9j] The Falun Gong also maintain a site where mainland practitioners, having been forced to recant as part of their re-education can make a "solemn declaration" pledging their allegiance once more to Falun Gong, with 208 declarations as of 14 March 2002. [22an]

6.89. Practitioners reportedly eschew medical treatment, and use faith healing. Most are middle-aged and middle-class. Until the crackdown they gathered in parks and open spaces to practice traditional meditation and breathing exercises. [4an][11f][10t][10u]

6.90. The Falun Gong Institute, claim that the elderly, pregnant women, women with children, children and the infirm have taken the brunt of the authorities' brutalities. A survey by the Institute, of 12,000 practitioners in Guangdong province (1998) found that that over 70 per cent (72.1) of followers were women and over 50 per cent were over 50 years in age. [22a]

6.91. Human Rights Watch (Jan, 2002 Report) paints a slightly different picture of the typical profile of Falun Gong followers, emphasising the appeal of the movement (pre-ban) to members of professional elites, many of who were co-incidentally members of the CCP. Another groups attracted by the movement were computer-literate technocrats and students, who have facilitated Falun Gong's quick spread and leap overseas by use of the Internet. [12i] The ability of Falun Gong followers to hack into state run television channels within the PRC underlines the enduring appeal of the movement to this group. [20bc.][20be.]

6.92. Falun Gong has been identified as a major beneficiary of the Internet. After Li Hongzhi left the PRC in February 1997, websites maintained by his followers have been at the forefront of publicising the "benefits" of Falun Gong. [3g] Prior to Li's relocation to The United States information was passed directly to followers by Li himself then, as the popularity of Falun Gong grew via word of mouth and low cost literature. [5q]

6.93. Print licensing restrictions severely restrict the distribution of Falun Gong materials in the PRC. [3bg][3bm][4sn] Most reports of arrests and detentions for printing Falun Gong materials relate to the period in 1999, shortly after the July ban [3bm] After this date the authorities have tended to concentrate on incidents relating to use of the Internet and electronic media [4sk][4tb]

Key Events

- **6.94.** Key dates are as follows:
- 13 May 1951 - Date of birth of Li Hongzhi (Falun Gong)
- 7 July 1952 - Date of birth of Li Hongzhi (PRC authorities)
- 22 May 1992 - Li Hongzhi founds Falun Gong
- August 1993 - Falun Gong accepted as an associated sub-group into the China Qigong Science Research Association
- 1995 - Li Hongzhi stops teaching Falun Gong, authorities in Hangzhou take action to stop the spread of Falun Gong
- 24 July 1996 - Chinese government bans Zhuan Falun and other publications
- February 1997 - Li Hongzhi formally expelled from the China Qigong Science Research Association
- February 1997 - Li Hongzhi and family apply for asylum in New York, leaving at apparent urging of the authorities
- 18 April 1999 - Tianjin protests
- 22 April 1999 - Beijing protests
- 25 April 1999 - Zhongnanhai protest.
- 22 July 1999 - Falun Gong banned
- 29 July 1999 - Arrest order for Li Hongzhi issued
- 30 October 1999 - Law outlawing cults passed
- February 2000 - Zhong Gong declared a cult and banned

- 25 April 2000 - First anniversary of the Zhongnanhai protests - 100 protesters arrested in Beijing
- 26 June 2000 - period of increased protest by Falun Gong - 1,200 practitioners arrested in 1 week
- 23 January 2001 - The Beijing immolation's and subsequent crackdown
- 25 April 2001 - Second anniversary of the Zhongnanhai protests - some public protest in Beijing. Mainly protests outside PRC
- 21 September 2001 - first reports of actions taken against "terrorists" in China, in the wake of 11 September
- 1 October 2001 - National Day: no reported protests
- 5 March 2002 - Falun Gong interrupt cable signal in ChangChun, broadcast pro-Falun Gong programmes for an hour
- 13 March 2002 - Police orders allegedly escalated to shoot Falun Gong protesters on sight
- 13 May 2002 - Tenth anniversary of Falun Gong passed with little protest in Hong Kong and none in PRC
- 15 August 2002 - First Hong Kong cases come to court.

[3h][5q]

Demonstrations

6.95. The nature of Falun Gong protest has developed since the first protests in 1999, with an escalation of tension and desperation now evident in protesters. Well co-ordinated foreign protesters now make up the active face of Falun Gong, with Chinese practitioners all but disappearing. The authorities have changed tact too, moving away from their earlier heavy-handedness (often as a result of being caught off guard) and adopting a far more vigilant stance, unremittingly hostile in tone and action. [10af][10ah][9do][22ax] There have been no reports of protests by foreigners in Tiananmen Square since February 2002.

6.96. On Tuesday 23 February 2001, on the eve of Chinese New Year, four women and one man set themselves on fire in Tiananmen Square. The group had doused themselves with petrol. One woman died: the flame on the others was smothered and they were rushed to hospital, badly injured. A twelve-year-old girl was identified later as one of the injured. [9bm] [9bo]

6.97. It is still possible for Falun Gong practitioners to demonstrate in Hong Kong (SAR) due to the high degree of autonomy afforded to its under the "one state, two systems" approach to governing the former British colony (see, *Hong Kong Special Autonomous Region*). [20bf.]

Arrests

6.98. The Human Rights Watch, as with other commentators previously, found that with regards to information about arrests, detentions, and deaths in custody, there were no sources other than the Falun Gong's and the Chinese authorities' accounts. Their January 2002 report attempts to take a cautious line on available data. [12i] Key demonstrations have the advantage of being staged, initially at least, to a primed and alert media. The actions of the Chinese authorities can therefore they can be viewed first hand. [5q] When this has been possible police have been seen hitting, punching and throwing demonstrators to the ground before the arrest is completed. Their actions have not been moderated on the basis of gender, age or the presence of children. [5q]

6.99. The Human Rights Watch has concluded that after September 2001 Falun Gong had been forced totally underground. [12i]

6.100 The Amnesty International (AI) annual report for the year 2002, puts detentions in the "Tens of thousands" with the number executed at around 500. [6t] And earlier report from June 1999 recorded nearly 2300 cases of detention, arrest or sentencing of Falun Gong practitioners from June 1999 to March 2000. [6s] News reports dated 28 June 2000 reported that police had detained 1,200 suspected Falun Gong members after Falun Gong protests in nine provinces. [4gx]

6.101. A Hong Kong based group, the Information Centre for Human Rights and Democracy (ICHRD), has produced their own estimates of Falun Gong arrests. They put the number detained since June 1999 at over 35,000 (report published in June 2000). With a further 500 sent to re-education through labour camps. Another human rights group estimated that the number of people in labour camps, in June 200, was over 1000 with an unspecified number of people in short term detention.

6.102. The Chinese authorities claim that the figures misrepresent the situation as they include instances where protesters are escorted away from demonstration or turned back. They claim arrest on criminal charges amounts to 111 key Falun Gong activists, with 150 arrested under the anti-cult law (its unclear whether the 111 arrests are part or separate to the 150 arrests). [5q][4hi]

6.103. The Falun Gong community outside the PRC has monitored how Falun Gong has been included in the Chinese anti-terrorist clampdown, post 11 September. It claims that there have been sharp increases in anti Falun Gong activity, particularly in relations the number of deaths in custody. [4sy][22an]

Trials and Sentences

6.104. Trials are rare (see numbers below), when Falun Gong followers are brought before the courts it is usually to face charges of belonging to a banned organisation and/or cult. They can also face further charges related to public order offences under the Criminal Code, while some have their reputation tainted by dubious allegation of rape or fraud [3ay][6t][6s]

6.105. The Amnesty International (AI) annual report for 1999 (published in 2000) reiterates the 111 cases of criminal charges by 4 November 1999, and the trial of the four key figures in Hainan, also in November 1999. [6t] The authorities stated on 29 January 2000 that 242 core Falun Gong activists have been prosecuted. The actions of the authorities were "... we strike, according to law, harsh blows at an extremely few Falun Gong disciples who commit crimes." [4lp]

6.106. The official figures released in late August 2000 stated 151 criminal convictions in Falun Gong cases by the 15 August 2000. [4ic] Since then, the number of sentences given other than administrative sentences has been about 300 [12i] but the sentences handed out have been between seven and twelve years. Sentences that been pronounced on Falun Gong detainees convicted of "crimes against the state" have been held by commentators to be harsh compared to non Falun Gong convicted prisoners. [5q]

Prison Camps, Torture and Deaths in Custody

6.107. Falun Gong detainees are subject to standard 'prison' conditions, though there are graphic reports of further degradation and routine torture from ex-prisoners, with women held to be particular targets. [22][22][22][5q][22h]

6.108. In October 1999, reports started to mention that Falun Gong activists had been sent to psychiatric institutions. [10ab][2e] [2g] Concerns have been expressed about the use of inhumane punishments and degrading practices in psychiatric hospitals. [11c][9cv]

6.109. The first reported death was of an 18-year-old adherent of Falun Gong who died on 20 October 1999 from injuries sustained when she jumped from a train while under police escort. Falun Dafa alleged, via their US spokesperson, that she was intimidated and abused to the point of self-harm while in police custody. The police denied this claiming instead that she wanted to be a martyr. [4eg][2e] The number of death has increased over time since the first death in October 1999. [4hg][4hh][4hi][4ho] [4hp][4hs][4il][4iw][6t][9v][22g][22m]

Other Unregistered qigong Groups

6.110. Qing Yang and Tain Tang Baolian are qigong groups that purportedly operated in Liaoning province between 1993 and 1998. The Canadian IRB was unable to find information about these groups. The research report however reiterated that there were many qigong groups [3000 registered groups] operating before 1998 under that auspices of the Qi Gong Science Research Society; that qigong was encouraged by the Chinese government from the early 1980s onwards as a unique cultural asset and health-promotion system. [3al]

6.111. Qing Yang and Tain Tang Baolian qigong groups are listed in the Amnesty International (AI) list of targeted groups (March 2000). [3al][6u] Qigong groups listed in the report, besides Falun Gong and Zhong Gong, are Guo Gong ("nation gong") and Cibeigong ("Compassion gong"). [6u]

6.112. Guo Gong emerged in reports in November 1999, with the arrest of alleged leaders in Sichuan province, founder given as Liu Jineng. [6u]

6.113. Cibeigong was reported after the arrest of the alleged founder, Xiao Yun, in Wuhan City, Hunan province. Allegedly in 1997, Xiao Yun set up five practice stations in the provinces of Hubei, Hunan, and Jiangxi provinces, attracting 900 followers. Cibeigong teachings are reportedly largely copied from Falun Gong teachings. [6u]

6.114. Not a qigong group, but akin as a meditation practice, the "Guan Yin Method" was founded in 1988 by "Supreme Master Ching Hai" and introduced to mainland China in 1992. Stresses vegetarianism and five "noes" - no killing, no telling lies, no

stealing, no lewdness and no drinking. Claims 500,000 followers in 20 municipalities in at least seven provinces. Ching Hai is now based in Taiwan. In 1996, the PSB in Sichuan province discovered a list of several thousand members, alarmed by the number of cadres involved the authorities labelled the Guan Yin Method a "reactionary religious organisation". It was latter redefined as an "evil cult" after the Falun Gong ban of July 1999. [3aw]

6.115. Another qigong group has come to light in 2001, courtesy of the Canadian IRB, namely, "Human Body Science". The leader, Shen Chang, was arrested in 2000 for "using an evil cult to breach the law", a cult "with many anti-scientific elements" and held by the prosecutors to be as dangerous as Li Hongshi. He was sentenced under tax evasion and illegal business practices in September 2001 (sentence unknown). [3bn]

6.116. The IRB were unable to find reports relating to another purported group the Hui Ling Qigong masters. [3bn]

Asylum Cases

6.117. Reuters reported in January 2001, that "membership" of Falun Gong was the fastest growing claim amongst Chinese asylum applicants in the US. Jack Lin of the U.S. INS Asia desk said: "Four years ago, they used reasons such as the one child policy most often. Later on, they thought that was not too feasible... so they changed it to Falun Gong... Some of them don't even understand the meaning of political asylum. Nine out of ten cases, they are coached." [4ld] The Chinese government agreed that illegal immigrants were becoming adept at using "hot button issues" to secure asylum. [4nj]

6.118. Two cases of asylum granted by the U.S. Immigration and Naturalization Service (INS), one reported on 8 November, and other reported on 17 November. The first was granted in New York to a 17-year old practitioner. [2a] The second was granted to a female applicant in San Francisco. [9i] The reaction of the Chinese authorities was swift after the first case, viewing the acceptance as an affront. They alleged the U.S. INS had disregarded "the basic facts" that "the Chinese government's handling of the Falun Gong problem has earned staunch support from the people across the country and the understanding of the international community". [4ew]

6.119. There are other, general allegations of torture, including the case of an applicant for asylum in the US, in August 2001. This is the first report to be found in the semi-official China News Service commenting on such asylum cases; talking about the case the police from Guangdong and Guangxi provinces are quoted as saying that they have no record of holding the claimant, and deny the torture. [4qx] There are Falun Gong activists in the UK who have made similar accusations of mistreatment whilst in detention. [9cf]

6.20. In Japan, in April 2001, six members of Falun Gong who tried to return to the PRC were turned away by immigration officials, and forced to travel back to Japan where they applied for political asylum. [4ql]

Update: April to September 2002

6.121. The tenth anniversary of Falun Gong's "founding" in 1992 was marked on 13 May 2002, with some protests in Hong Kong, but none in mainland China, bar a very brief attempt by an individual to unfurl a banner in Tiananmen Square. [9es][4vs] Falun Gong activists in the US are particularly concerned by the increasing influence of the Chinese Government over other government's treatment and attitude towards Falun Gong. [22br] They alleged in June 2002 that Falun Gong members were being impeded and turned away at many airports, particularly in Iceland, purportedly because the members were on a "blacklist" circulated by the Chinese Government as part of international efforts to limit terrorism. [22br] The first prosecutions of Falun Gong members in Hong Kong - for obstruction during demonstrations - were reported on 15 August 2002. [9ex]

Update: October 2002 to March 2003

6.122. Academic reports published during this period examined the organisation on Falun Gong prior to its banning in July 1999 and the financing of Li Hongzhi's operations. [11w] The other reports looked at the campaigning side of Falun Gong, with special emphasis on raising awareness of human rights abuses with in the PRC. [11y]

Update: April to September 2003

6.123. Reports began to emerge in July 2003, of a Falun Gong practitioner being arrested in connection with the poisoning of 16 vagrants in Wenxhou City, Zhejiang province. The state news agency (Xinhua) reported that he told police that killing could improve his own power to reach the ideal state [of mind] in the Falun Gong teachings. [20x.][20bq.]

6.124. On the 20 August 2003, the Belgian Falun Dafa association announced plans to sue former President Jiang Zemin (1993 - 2003) under a recently enacted law covering genocide. The Chinese government accused Falun Gong of trying to damage the

good relations between the two countries. [21r.][20br.]

6.125. On 12 September 2003, a federal judge in the United States dismissed a lawsuit brought against Jiang Zemin by an attorney acting on behalf of US-based Falun Gong practitioners: the suit was dismissed on the grounds of sovereign immunity. [14g.]

Muslims

Numbers

6.126. There are estimated to be between 18 to 23 million Muslims in China. [1a][2g] As one of the five official religions Mosques are required to register with the RAB and becomes subordinate to the China Islamic Association or it's local equivalent [20bs.]

6.127. The main Muslim groups within the PRC are the Hui; spread through China, with sizeable communities in Beijing and the north-west [5n] and the Uighurs of Xinjiang (XUAR). [13d.][11i] (See *Ethnic minorities* for information on the history of these two groups)

Identity

6.128. The religious identity of both Hui and the Uighurs is interwoven with complex sociological, ethnic and political issues. [2g] The notion of the Hui as a single cohesive group should be discouraged, as it is the product of state intervention and the Hui themselves associate more with membership of sub-groups; regarding to term Hui as a Han imposition. [5n][4qd]

6.129. The Hui co-exist peacefully with the Han, from who they are almost indistinguishable in appearance. [5n]

6.130. The overwhelming majority of Muslims in China as Sunni Muslims: only the 26,000 Tajik nomads of south-western Xinjiang province (XUAR) are Shi'ite. Practically, few Hui people in the north-west of China know of the difference between Sunni and Shi's. However, the most compact and unified Hui communities follow Sufi traditions, with allegiance to a number of different orders. Some Sufi orders have developed fundamentalist standpoints and taking increasingly pivotal roles in local protest movements. [5n]

Practice and Levels of Commitment

6.131. Islamic practice is held to be the key factor amongst the Hui and other sinified groups as to who is a Muslim. Among the Hui, living the *qing zhen* - the pure life - is held to be the identifier. This mainly means keeping to Islamic dietary laws and exhibiting good manners. Regular attendance at a mosque or membership of a specific group is of secondary importance. [5n]

6.132. Increasingly, dietary differences are the focus of difference and sometimes of conflict. The most serious clash involving Hui and Han occurred in Yangxin County, Shandong province, when police fired on protesters after a pig's head was hung outside a local mosque, in December 2000. Six people were killed. The conflict began after a Han butcher started advertising "Muslim pork". [4py][4qc]

6.133. Islam is recognised as an official religion and there are some, limited opportunities for the training of clergy. For example, there were 150 graduates of religious schools in Ningxia Hui Autonomous Province in 1999, with over 5,000 serving imams (religious leaders) in the province. [4qb]

6.134. Muslims are permitted to make pilgrimages to Mecca [4qe][2f] and to celebrate Islamic festivals such as the Corban. [4qf] Overall, the authorities' concerns are centred on non-sinified Islamic groups; the Hui are regarded as well integrated in Chinese society and not a threat to the unity of the state. [2f]

6.135. The issues surrounding persecution of "Muslims" in China are *not* based on religious affiliation as such. In the words of a Human Rights Watch report of October 2001: "Whether secular or religious, the pro-independence groups in Xinjiang are overwhelmingly ethno-nationalist movements, that is, articulated along ethnic lines, not religious ones." [12h] This definition has been muddied by some reports ("Chinese police have arrested nine Muslims for preaching illegally ... as part of a broad clampdown on separatists."). [4sh]

6.136. Reports of Chinese Muslim terrorists trained by al 'Qaeda in late 2001 [4tc] masks the contrasting nature of the Muslim groups, with Uighur groups based outside the PRC working independently from one another and Uighur groups within Xinjiang (XUAR) being very localised in nature. [12h]

6.137. There are reports of religious freedom being curtailed within Xinjiang (XUAR) wherever the PRC authorities find an association with separatist tendencies. [6y][12h] However, since September 2001 and particularly with US activities in Iraq in March 2003, there has been a spectrum of opinions expressed by the Chinese Muslim community. [9go] The Chinese authorities' response has been to dampened down the Iraq issue (though live coverage of the Baghdad bombings were a first for Chinese television), and reiterate a demand for US operations to be halted. [9go]

Buddhists

6.138. Buddhism along with Taoism and Confucianism is one the traditional "three religions" of ancient China. Historically there has been a great deal of cross-pollinated between the three and after 1949 widespread persecution by a Communist Party overtly atheist in its beliefs. [20k]

6.139. Buddhists adhere to the teachings of the Buddha; that to live is to suffer and suffering is caused by our desires. They search for enlightenment through meditation in order to break the cycle of desire, suffering and re-birth. [16ag.]

Numbers

6.140. Buddhism is practiced in many forms by an estimated 100 million people in China, with most Buddhists being ethnic Han. Han Buddhist leaders generally co-operate with the government while local officials enforce regulations on places of worship, particularly the illegally constructed temples and shrines. [2b][2c][6d] The PRC government estimates that there are 13,000 Buddhist temples and 200,000 nuns and monks in China. [2h][3ce]

6.141. Chinese officials claim that there are about 1,400 monasteries in Tibet. Tibetan Buddhism is closely associated with pro-independence activism. Non-political forms of worship are tolerated but since May 1996 there has been a "patriotic" campaign to "reeducate" dissident monks in lamaseries. The authorities see lamaseries as a drain on local resources and a conduit for political infiltration by the Tibetan exile community under the Dalai Lama, the highest figure in Tibetan Buddhism who has lived in exile in India since 1959. Monks and nuns have been among the thousands of Tibetans detained for advocating separatism since 1987. The government maintains management and operational control of the lamaseries and enforces limits on the numbers of monks. [2a][2d][6d][7f] The US State report on religious freedom (October 2002) [2h] has a separate assessment on the situation of Tibetan Buddhists.

Tian Dao

6.142. This unofficial Buddhist group has been outlawed in PRC since the 1950s, with many followers being murdered at that time. Since then the main focus of Tian Dao activity has been in Taiwan and academic sources in Taiwan confirm that Taipei groups have links with the mainland. [3bi] Tian Dao is known by other names, the main alternative being Yiguandao. [3bh][3bi][3bj]

6.143. The basic beliefs incorporate many widespread Chinese folk beliefs (the Venerable Mother, use of Chinese lunar calendar) and adopted Buddhist features (the three treasures concept). [3bh] Before the 1950s, Tian Dao was strongest in Northern China, but has been practically eradicated. No information could be found by the Canadian IRB that Tian Dao was being practiced in Shenyang or Liaoning provinces (Northern China). [3bj]

6.144. There were no reports of recent persecutions until September 2000. When two key members were apparently sentenced on 18 July 2000. [3aa][4im] The number of adherents in PRC was held by the source to be about 200,000 and the group was stated as having been founded in Taiwan in 1988 and to of spread to PRC in 1992. [4im]

Taoism

Beliefs and Practices

6.145. Taoism is based on the teachings of Lao-tzu and originated in China around the sixth-century B.C. It advocates preserving and restoring the greater Tao (force) in the body and cosmos and has been open to many differing interoperations; evolving from philosophy into religion and then onto witchcraft, magic and occultism. [16ah.]

6.146. Taoism itself is very broad and factional: there are at least 86 sects within Taoism in modern PRC, and a very strong tradition of rejection of "organisation". [20k] Within the popular form of Taoism, the Taoist temple is a place where an individual

will look to spiritual guidance in the form of divination (consulting the I Ching, Feng Shui, some more mystical elements of traditional Chinese medicine), and to officiate over rites of passage (marriage, funerals, etc). [20k]

Numbers

6.147. Official estimates place the number of Taoists at approximately 6 per cent of the population, but if Taoism is extended to social adherence and occasional usage rather than "believers", the number is likely to be much higher. Estimates of Taoist clergy (priests, nuns and holy men) range from 15,000 to 20,000. [20k] In its classical form of Taoism (see above) is accepted by the authorities as one of the five "official" religions. [2g]

Taoism in Modern China

6.148. The US State Department Report on Religious Freedom (Oct. 2002) reports that "Official tolerance for religion considered to be traditionally Chinese, such as Buddhism and Taoism, has been greater than for Christianity, and these faiths often face fewer restrictions than the other recognized religions." [2h]

6.149. Reports on difficulties between Taoists and the Authorities centre on the pulling down of buildings being used by unregistered Taoist congregations: for example around Wenzhou, Zhejiang province in November 2000. [2x]

6.150. There is no evidence that classical Taoism is targeted for persecution, though there are reports that conflict has arisen between the authorities and congregations that are not registered. The authorities are however suspicious of breakaway groups that with populist agendas that may threaten social order. [2g][12h][20k][9gaj.]

Religious Activity in Fujian Province

6.151. For further information on religious practices and freedoms in Fujian province (as mayor source of migrants to the UK) please refer to the report by the Canadian IRB. This report concluded, "religious activities at the local level were generally tolerated... provided they kept a low profile and did not try to organize on too large a scale." [3i]

Other Unregistered Religious Groups

6.152. Jewish groups, though not an official religion, are permitted to meet. The foreign Jewish community in Beijing has been able to hold weekly services since 1995. [2h]

6.153. Church of Latter Day Saints are permitted to meet in many large Chinese cities, but attendance is strictly limited to foreigners. [2h]

6.154. Jehovah's Witnesses in China are an unregistered group that the authorities consistently refuse to register. There have been reports in the past that members have been arrested and detained for participating in prayer study. There are reported to be Jehovah's Witnesses in many parts of the country. [3ag]

6.155. The Baha'i are not recognised or registered by the government in China. The Baha'i community is not organised and has not sought recognition or registration from the government. The Baha'i are generally well regarded by the authorities because of their philosophy of obedience to government. [3ak]

Freedom of Assembly and Association

6.156. While the Constitution has provisions for freedom of peaceful assembly and association, the government severely restricts these rights in practice. Such activities must not infringe upon the interests of the State, or protest against the political system or its leaders. Authorities deny permits and quickly move to suppress demonstrations involving expression of dissident political views. Demonstrations about non-political grievances are tolerated. Unauthorised protests (assembly, demonstrations, marches and petitions) on non-political subjects are on the increase and are not automatically disrupted. [10n][9ee] [9eg] However, it is not always possible to draw a clear distinction between political and non-political demonstrations; often the decision is left to local authorities who can react in varying ways. [2b]

6.157. The Chinese government estimates that there are around a million organisations in the country working in a range of fields. The authorities tolerate them as long as they avoid what the Communist Party considers to be direct challenges to CCP authority or government policy. In October 1998, the fledgling China Development Union, which had organised seminars on China's politics and economy, was shut down. [19]

Employment Rights

6.158. China's sole officially recognised workers' organisation is the All China Federation of Trades Unions (ACFTU), which is controlled by the Communist Party. Independent trades unions are illegal. Since October 1997, when China signed the International Convention on Economic, Social and Cultural Rights (which provides for the right to form independent trades unions, to strike and to demonstrate) a group of activists has started a campaign to promote independent trades unions. The convention has not yet been ratified by the NPC. **[2d]** Central government has called for the growth of official trade unions, working under the All-China federation of Trade Unions, within new enterprises. **[4jy]**

6.159. The international labour movement has criticised the monopoly on labour relations held by the State. In 1996, the International Labour Organization (ILO) ruled against PRC on grounds of "anti-union discrimination" when the PRC punished three Chinese sailors for complaining to the International Transport Workers' Federation (ITF) while working outside PRC. ITF have recorded a number of incidents of intimidation by the PRC authorities since the 1996 ruling. **[3ax]**

6.160. In February 2001, the PRC partially ratified the United Nations' International Covenant on economic, Social and Cultural Rights. The partial ratification came four years after the signing of the treaty and the abstention from article 8 still means that still only State created and linked trade unions may exist. **[10aq]**

6.161. The PRC has no national minimum wage; instead local governments set their own level. They generally opt for a level above the local minimum income but lower than the average local wage. The standard working week is 40 hours with a mandatory 24-hour rest period. Overtime is restricted to 3 hours or 24 hours per month, though the last two provisions are rarely enforced. **[2g]**

6.162. The Labour Law provides protection for workers on matters such as working hours, wages and health and safety. However workers are not allowed to strike and collective bargaining is also forbidden. In reality strikes do occur and arbitration does take place; arbitration committees handled 155,000 disputes in 2001 and of these 150,000 were resolved through arbitration. **[2g]** BBC Asian reported on 5 September 2003 that worker's compensation cases had nearly doubled in the last five year, with Labour Ministry figures for 2002 showing 184,000 cases: workers won, 47 per cent, companies 15 per cent, with the remaining 38 per cent resolved through arbitration. **[20bt]**

Political Activists

6.163. Political dissent is tightly controlled. The authorities use a range of measures to silence public dissent, criticism and protest in China. These can include the imposition of prison terms, administrative detention and house arrest. Government officials deny that China holds political prisoners, asserting that persons are detained not for the political or religious view they hold but because they have taken some action that violates the Criminal Law. According to the US State Department **[2g]** there are still 1,300 people serving sentences under the now defunct Law Against Counter-revolutionary Activity: prior to revision, articles 90-104 of the Criminal Law provided for "counter-revolutionary crimes". The Revised Version does not refer to counter-revolution, but continues to proscribe 'acts that endanger national security'. For example, article 105 of the revised Criminal Law, provides for sentences of up to five years' imprisonment for 'whoever instigates the subversion of the political power of the state and overthrow the socialist system.' **[2b][2d][7a]** The cases of people still serving sentences for "counter-revolutionary offences" have not been reviewed. **[6h]**

6.164. Conditions for all inmates of penal institutions are generally harsh and frequently degrading. **[2b]** There are reports that some political prisoners have been unable to obtain adequate medical care, and reports of beatings by guards and fellow inmates, electric shocks and solitary confinement. **[2d][2g]**

6.165. Many of those arrested for participation in the pro-democracy movement in Beijing (but not in other locations) have been released. Security officials have stated that all cases from the period of the Tiananmen demonstrations have been concluded. **[6o]** However, Amnesty International (AI) maintains that 211 people remain imprisoned in connection with the 1989 protests. **[2g][6h]** The US State Department puts the figure at 2,000 in its March 2003 report. **[2g]** Those who have been released and continue to make political protest in China remain liable to further detention and harassment for subsequent "crimes", such as signing petitions or participating in events designed to commemorate those who died in and around Tiananmen Square on 4 June 1989. **[2a][6h]**

6.166. On 4 June 1999, there were only two individual attempts to commemorate in Tiananmen Square itself. 130 activists were questioned and 42 detained by the police on the day itself. A number of individual arrests took place across the country, with details of the sentences imposed on those of people formally charged emerging from September to December 1999. Most sentences were between one and three years. **[3am]** Information about the arrests and government activities around the 10 years' commemoration of Tiananmen Square was published by the IRB in July 2000. **[3am]**

6.167. There are several examples in which the Chinese government apparently timed the release or detention of well-known dissidents to coincide with events of international significance to the country. **[12f]** The pro-democracy activist Wei Jingsheng was given medical parole and effective exile to USA in November 1997, following President Jiang's (1993 - 2003) state visit to Washington. Bao Ge (now in the US), who went on a hunger strike in 1993 to demand the release of another dissident, was himself detained five times briefly in the next year during high-level visits from US, Japanese and French representatives. **[3f][9b]**

Dissident Organisations

6.168. A number of dissident groups emerged in 1991, including the Liberal Democratic Party of China (LPDC), the China Progressive Alliance (CPA), the Free Labour Union of China (FLUC) and the Social Democratic Party of China (SDPC). (*Annex B, part 3* gives more details of these organisations including their names in Chinese.) During 1992, the authorities put a stop to their activities by arresting scores of activists and suspected supporters. **[6j]** Typically, these organisations were very small (less than 12 people) and localised. **[12f]**

6.169. Between September 1997 and mid-November 1998, there was a period of political relaxation that some sources have referred to as a "Beijing Spring". The thaw may have been aided by the trouble-free passing of three key events: the death of Deng Xiaoping (February 1997), the return of Hong Kong (July 1997) and the 15th Party Conference (September 1998). **[12f]**

6.170. In this period of openness, Foreign Minister Qian Qichen formally announced that the PRC would sign the UN International Covenant for Civil and Political Rights (ICCPR). This announcement spurred a number of political dissidents to action: In March 1998, veteran dissident Xu Wenli applied in Beijing to register a human rights organisation, *China Human Rights Watch*. In Wuhan city, Hubei province, Qin Yongmin set up a human rights fax-letter called *Human Rights Watch*, which ran for 86 reports before being shut down by the authorities in May 1998. **[12f]**

China Democratic Party

6.171. On 10 July 1998, Wang Youcai tried to register a China Democratic Party with Zhejiang provincial authorities, the first open attempt to gain government approval for an opposition party. The CDP had previously announced its presence on 25 June 1998 with an "Open declaration" setting out its agenda to establish a democratic opposition party. **[12f]** It was reported that Yang was turned away and detained for six hours by the police. Another member of the group, Zhu Yufu, was detained for 47 hours for handing out copies of the manifesto during President Clinton's visit. The activists announced that they had shelved the attempt to register the political party after one week, when Clinton's visit was coming to an end. **[4f]** Nevertheless, Wang Youcai and up to 4 others were subsequently arrested and detained. **[18]** A number of other dissidents were detained or had their movements restricted during Clinton's visit. **[4q]** One source (published in 2000) claims that CDP members are still being arrested, with more than 20 leading members sentenced to prison terms during 1999 / 2000. **[6t]**

6.172. The core philosophy of the CDP was one of "openness, peace, reason and legality" and its two main objectives were to press for direct elections and the formation of a multiparty system. **[12f]**

6.173. Subsequent attempts to set up the China Democratic Party (CDP) have led to a number of arrests in Beijing and the provinces. **[4s]** In some places, activists were harassed or temporarily detained, while in others local officials met with dissidents and explained the requirements for registering social organisations. **[2d]** In December 1998 Xu Wenli, Qin Yongmin and Wang Youcai were sentenced to 13, 12 and 11 years in prison respectively, on subversion charges. **[16a]**

6.174. By the end of 1999, almost all of the key leaders of the China Democracy Party were serving long prison terms or were in custody without formal charges. With only a handful of activists remained publicly active in 1999. **[2e]** In March 1999, Amnesty International (AI) reported that many scores of people had been detained, harassed and imprisoned solely for peacefully exercising the rights protected by the two UN Covenants on Human Rights that China had recently signed. **[6j]**

6.175. CDP members were active in the 4 June commemorative protests around June 1999. Four CDP members were sentenced in December 1999, in Hangzhou, for various activities, with sentences between five and eleven years. **[3am]**

6.176. The international human rights organisation, Human Rights Watch, concluded in September 2000, that "for all practical purposes, CDP activities had been silenced by January 2000." **[12f]** Another party, the Chinese Freedom and Democracy Party (CFDP), established in 1994 and closely associated with the dissident Lian Shengde **[22ca]**, was also held to be defunct by 1999 as well. **[22bz]** The CFDP's website was not maintained after 1998. **[22cb]**

6.177. On the 9 May 2003, the Intermediate People's Court in Liaoyang City, Liaoning province, sentenced two former industrial workers to seven and four years in prison for taking an "active part" in trying to set up a Liaoning branch of the CDP. Yao Fuxun and Xian Yunliang were found guilty of the crime of subversion under articles 105 and 106 of the criminal law after leading

protests for better severance pay for laid off state workers in Liaoning province. The protests were among the most serious reported in China since 1949. Yao and Xiao's trial lasted one day and their lawyer was not allowed to attend sentencing (because of travel restrictions imposed after SARS). [20bd.][21p.] The Higher People's Court upheld their conviction on 27 June 2003. Their lawyer complained that he was not notified of the hearing or allowed to submit new evidence. [21o.]

6.178. The families of notable dissidents, particularly those, who become spokespeople, are often kept under heavy surveillance and may be subjected to frequent police questioning and visits. [3f][4b][6f] For example, the police briefly detained the mother of exiled dissident Wang Dan on 15 October to prevent foreign journalists interviewing her, amid speculation that Wang Dan was about to receive the Nobel Peace prize. [4ci] There were reports of closer surveillance of CDP members during the 16th National People's Congress. [21q.]

6.179. The Canadian Embassy Political Counsellor noted that in Fuzhou, there was no evidence of activity by "illegal" political parties, trade unions, or other "illegal" social organisations. [3r][3w]

People Trafficking

6.180. People trafficking within the PRC takes two main forms, the abduction and sale of women for forced marriage or prostitution (see *Women*) and the sale of children (usually sons) to better off families (see *Children*) along with the organised smuggling of migrants out of China. [3c][10o][20bb.][2g]

Snakeheads

6.181. Organised gangs of people smugglers known commonly as 'snakeheads' facilitate most illegal travel out of the PRC; the term 'snakehead' is quite loose and is often used interchangeably with that of Triad or Tong. This however is a mistake, since while there is evidence that 'snakeheads' and Triads do work together this generally happens at or close to the country of destination. While 'snakeheads' also work with other, non-Chinese, gangs as well. [28h.][28c.][28m.][19g]

6.182. While the authorities in the PRC do collude with 'snakeheads' this generally happens at a very low level, and there is no evidence to suggest that the authorities condone reprisals upon returnees by gangs. A 'snakehead' (in China) is a trusted person within that community and the intimidation / harassment of returnees would be bad for business; 'snakeheads' have even been known to offer free or discounted trips to those people detected early on in process. [3i] [10ay][10bd]

6.183. In the United States the case of Zheng verses Ashcroft established that even if an individual could demonstrate that there had been low level collusion between 'snakeheads' and government officials. This was not the same as saying that they would sanction reprisals against them and was therefore not a barrier to removal. [29.][29a.]

The Profile of Claimants

6.184. Most of the Chinese asylum seekers entering the United Kingdom are from the relatively prosperous Fujian province, where there is a long established tradition of migration. [2a][11c][15z.] Typically they are male, 15 to 45 years old.

6.185. Many people want to leave China in order to pursue career opportunities not yet available there. [28f.] Others feel that they have little choice, often being pushed into it by family desperate for the income and the prestige of which comes from having a relative doing well abroad. Educational failure often makes young Chinese susceptible to this kind of pressure. [28r.]

The Treatment of Returnees

6.186. The act of exiting Mainland China without permission is an offence punishable by detention "for not more than ten days" and the imposition of a fine ranging from 10,000 and 20,000 Yuan (£700 - £1400). [3i][2a] Those who are identified as people smugglers are liable to criminal prosecution. [2a] The case of Cheng Chu Ping ('Big Sister Ping') indicates that the Chinese, or in this case Hong Kong authorities will also extradite 'snakeheads' wanted for crimes committed abroad. [28j.]

6.187. The Chinese Government does not generally mistreat returnees, unless the person has been deported to China more than once. [3ao][18i][3i]

Other Migration Issues

6.188. On 18 July 2003, the official news agency (Xinhua) reported that the United Kingdom was now the most popular destination for Chinese students wishing to study abroad. It estimated that 60,000 Chinese students were now studying in the UK.

[9gai.] President Hu Jintao has described students returning from abroad as "precious wealth". Only around one in four Chinese students studying abroad return to the PRC. **[15ah.]**

6.189. That same month China's Ministry of Public Security (MPS) announced the introduction of new measures to make it easier for people in medium size cities to apply for passports on proof of need; from now on they'll only be required to produce an ID card and residence booklet(s). The Ministry estimates that as many as 100 million people will be eligible to apply. **[21n.]**

Freedom of Movement

Current Situation

6.190. On 28 June 2003 National People's Congress (NPC) passed the National ID Law, authorising the phased introduction of a new microchip-based ID card to replace the existing plastic card (see below, *Citizen Identity Card*). Tests will begin in Shanghai, Shenzhen and Huzhou City in early 2004. The Ministry of Public Security (MPS) will oversee the introduction of the new card. It hopes to issue 900 million cards by the end of 2006. **[14j.][14k.]**

6.191. There are no plans to include biometrics (fingerprints) on the new card, however officials have hinted that this information could be added at some point in the future. **[14j.][14k.]**

6.192. On 13 August 2003, the China Daily newspaper reported that the PRC was to introduce ID cards to citizens below the age of 16. **[9gan.]**

Registration Card (*hukou*)

6.193. The "iron rice bowl" work unit system has, since the 1950s, provided a means by which the CCP has controlled and restricted the Chinese population. Under the system, individuals are issued with a registration card (*hukou*), which records permission to work and reside in an area. It also allows them to access various benefits. **[3a]**

6.194. Another factor in the control system is the work unit (*danwei*), which is attached to every state enterprise or collective (including schools, factories, research institutes and offices). The CCP officials of the *danwei* control access to tickets for out of town travel, authorisation for passports, marriages and the allocation state-insured benefits. **[3a]**

6.194. The need for a supplemental work force in the areas of fastest economic growth has led to tolerance of a large "floating population" that is not in compliance with formal requirements to obtain permission to change residence. Since this population lacks legal status, access to housing, schooling and the full range of employment opportunities is restricted. National and regional authorities have been encouraged to regulate and manage the transient population. **[2a][2c][7h]**

6.196. Nevertheless, booming coastal cities have attracted a "floating" population of 80-130 million, and private firms and foreign joint ventures have drawn over four million workers from state-run enterprises. The floating population includes many unskilled rural workers, and a growing number of middle-class professionals. Some cities, such as Beijing, are beginning to offer social services free of charge. In August 1998, the PSB issued revised regulations that allow persons from the countryside to apply for permanent residence in a city. **[2d]**

6.197. The Western (Gregorian) calendar has been in use in official documents since 1911. In the main the Chinese calendar is used for unofficial and popular purposes. There are a number of instruments for conversion between the two, such as *The Book of Calendars* and a number of online conversion sites. It is unlikely that official documents such as identity cards will cite dates by the Chinese calendar and not the Western calendar. **[3ai]**

Hukou Conversion

6.198. The process of conversion from agricultural to non-agricultural *hukou* is known as *nongzhuanfei* and is highly sought after, and exemplifies a major "class" rift in modern Chinese mainland society. **[11e]**

6.199. The *hukou* comprises two components: a residential location and a socio-economic eligibility factor. Place of registration (*hukou suozaidi*) is limited to one place only, dividing into different urban / rural place categories. The urban / rural divide is furthered by the 'status' of the *hukou* (*hukou leibie*). Until 1998, *hukou* residency was inherited from a person's mother: now *hukou* inheritance can be from either parent. **[11e]**

6.200. The *hukou* is unlikely to be granted to minors. The only circumstance in which a minor would hold their own *hukou* would be if they had established their own household **[3ab]**

Hukou Reform

6.201. *Nongzhuanfei* is regulated by two means: "policy" (*zhengce*) and "quota" (*zhibiano*). The latter is a straightforward regulator by numbers; the former refers to the conditions that an applicant must achieve to be qualified for change of status. There are two further considerations: a "regular" channel, usually through promotion or special skills development at work, all fitting into state productivity plans; and a "special" channel, a flexible measure for the state originally reserved for unusual cases and contingencies, with overtones of an honours system. **[11e]**

6.202. Since the late 1970s, the "special" category of *nongzhuanfei* has been relaxed to cover all sorts of contingencies. They have included rehabilitating purged cadres and intellectuals in the late 1970s, reintegrating young people sent to the country in the Cultural Revolution and spouse-inclusion programmes for skilled and professional workers. **[11e]**

6.203. Reform began in the late 1970s, and the past two decades have seen the *hukou's* decline in effectiveness and application. The main issues are discussed by the source, summarised below. **[11e]**

Temporary Residence Certificate

6.204. Originally started in Wuhan in 1993, a nationwide version in urban areas appeared in 1985. The TRC (*jizhu zheng* or *zanzhu zheng*) originally was issued to temporary workers over 16 years who were intending to stay in urban areas outside their *hukou* residence for over three months. This has since changed to one month, valid for a year's residence and renewable annually. **[11e]**

6.205. The main recipients of TRC's are casual urban labourers who migrate from the countryside to find work in China's booming coastal cities. In 1995, 44 million out of a 'floating population' of 80 million were registered with a TRC. The TRC does not confer full urban *hukou* benefits to the holder. **[11e]**

Citizen Identity Card

6.206. The photo identity card (IDC) was introduced across the PRC in 1985 and is administered by the Ministry of Public Security (MPS). The authorities regard the individual identity card (*jumin shenfenzheng*) as a superior means of social control. **[11e]**

6.207. In 2001 the government announced plans to assign individual identification numbers to all of its citizens **[4br]**, though there is no conclusive evidence to say whether this has yet been achieved. There is held to be a burgeoning market in counterfeit identity cards **[4br]** however in 1998 the Canadian IRB obtained information on five tests of authenticity that could be applied to ID cards. These were: -

- The rounded corners of the paper card are machine cut
- The laminate does not contain any design separate from the paper card itself
- The edges of the paper card should be perfectly straight
- The Chinese characters on the back of the card should be perfectly horizontal
- The coloured design on both sides should go right to the edge of the card

[3be]

6.208. The MPS aim to issue all holders of current the photo identity card (IDC) with a new "second generation" microchip-based ID card by the end on 2006. (See above, *Current Situation*) **[14j.][14k.]**

Residency Permits

6.209. Information on Changle residence permits, and the meaning of the fifteen-digit serial number, was posted on the IRB website on 24 February 2000. The IDC comprises of a control code, a registered regular address and a stamp endorsed by the police unit local to the registered address. **[3y]**

6.210. IDCs are held to have a greater degree of integrity as they are not as easily counterfeited as letters of introduction or *hukou* booklets (both of which may be purchased illegally). **[11e]**

Employment Records

6.211. Further control of individuals is exercised through employment documentation: specifically through the individual's work unit (*danwei*), which keeps employment history records in a personal archive called a *dangan*. The *dangan* can be referred to, annotated and added to by Party chiefs, but is not open to the individual. Until recently, the *dangan* was instrumental in controlling the lives of most China's urban population. However the system has diminished in importance with the decline of the State Owned Enterprises (SOE's). [3bf]

The Sale of 'blue seal' *hukou* Status

6.212. The sale of urban *hukou* by local authorities began in the late 1980s and is held to be a major source of funds for local authorities. It has also indirectly helped to reduce corruption amongst local officials. Sometimes referred to as 'blue seal' status, after the colour of the stamp used, the actual benefits gained from it vary according to location. In cities such as Shanghai, blue seal holders are increasingly viewed as "provisional" or "preparatory" citizens open to apply for full urban *hukou* status. [11e]

The Floating Population

6.213. An estimated 80-100 million people make up a migrant workforce commonly known as the "floating population". These internal migrants have presented the authorities in the PRC with a dilemma, how to maintain social control, while at the same time ensuring economic growth. Many of the reforms outlined above can be seen as pragmatic measures aimed at squaring this circle. [5a]

6.214. Despite news reports (August 2001) to the contrary there are no signs that the PRC is planning to ditch the *hukou* in favour of a scheme based on employment registration. [9ct] The *Hukou* system is however held to be an obstacle to a more sophisticated labour force, but its demise would be unpopular with resident urban populations. [9ct]

Changes in *nongzhuanfei* policy

6.A.203. Since the late 1970s, the "special" category of *nongzhuanfei* has been relaxed to cover all sorts of contingencies. They have included rehabilitating purged cadres and intellectuals in the late 1970s, reintegrating young people sent to the country in the Cultural Revolution, and spouse-inclusion programmes for skilled and professional workers. Thus in the years 1979 to 1995, the non-agricultural population grew by an average of 7.8 million (3.7 percent) each year. [11e]

Households with "self-supplied food grain" in towns

6.A.204. Another development emerging in the 1980s was the granting of a *hukou* if the applicant could show that they would not call upon community resources. This type of *hukou* died out in the early 1990s as new opportunities for "urban" *hukou* started to emerge. [11e]

Sales of *hukou* and "blue seal" status

6.A.205. Sales of urban *hukou* by local authorities by the late 1980s were disapproved of by central government, but unstoppable. The "blue seal" status (also known as "blue chop" or "blue stamp") introduced in 1992 regularised inward payments to the local authorities, conferring a new urban status to those who could pay by any of a number of means. It was called "blue seal" as it was distinguished from the non-agricultural *hukou*'s red endorsing stamp with a blue stamp. [11e]

6.A.206. The actual benefits of the blue seal *hukou* depend on the local government, and not central government. There is a market-related pricing for blue-seal *hukou*, with different cities and even districts of cities charging "urban infrastructural construction" (*chengshi zengrongfei*). This commodification of the *hukou* has prompted cities such as Shanghai to view blue seal holders as "provisional" or "preparatory" citizens, open to apply for full urban *hukou* status in time. [11e]

6.A.207. The one effect of such commodification has been the reduction of actual bribery of officials as a means of securing and changing status. Central government has been against such developments but increasingly has been ignored as the revenue base of local government has broadened through *hukou* sales. [11e]

Hukou reform in market towns

6.A.208. Pilots are currently underway to regularise "stable" workers i.e. those with regular non-agricultural work / living support as a small town urban *hukou*, after a two year residency period. Unlike blue-seal *hukou*, there would be no fee involved. Little

information has emerged about the pilots, but they may be viewed by local government as a direct competitor with blue-seal status. [11e]

6.A.209. The academic source concludes that the new distinctions of *hukou* have added further complexities to PRC social stratification. Social movement has mirrored flexibility for individuals to move around the country. The state is reluctant to drop the *hukou* system as a tool of political control, but has had to adapt as it embraces economic reforms. The two aspects of the *hukou* system, registering residency and determining status, may be easily dis severed if the system becomes politically obsolete. [11e] Some newspaper reports have misunderstood and misreported these relaxations as a "scrap(ping) of a decades-old system". [9fk]

The Floating Population

6.A.210. One expert source has recently put the "floating population" (*liudong renkou*) of internal migrant workers as having seriously undermined the command economy on which the PRC is based. The source looks closely at the *hukou* system (of household unit registration) as a means of understanding the flow of internal migrants. [5a]

6.A.211. Figures of official residence changes, by *hukou*, in PRC were running at 18.5 million changes per annum in 1995. Unofficial estimates put the migrant workforce in 1995 at 80-100 million. [5a]

6.A.212. The mid-1990s data has, however, provided two profiles of *hukou* and non-*hukou* migrants. *Hukou* migrants are typically either well-educated professionals moving for career purposes, or farm / industrial workers sanctioned to move often for marriage in a rural to rural migration. *Hukou* migrants comprised, in 1995, 53% of the officially recognised migrant workforce (and about 15% of estimated rural migrant labour.) Non-*hukou* migrants were typically less well-educated, 'self-employed' farm or industrial workers moving from rural areas to major cities and export processing centres. Few migrants of any kind are over the age of 40. [5a]

6.A.213. The annual mobility rate has been estimated by the source to be circa 4 percent of total population per annum in 1995 (two-thirds of Western European countries). The criteria for registering a change excludes many minor movements, namely changes of less than 1 years' residence elsewhere, and hides the fluidity of the workforce as it follows seasonal patterns. Only the beginning of the phenomenon, the years 1980-95, have so far yielded data in terms of official figures. The debate amongst commentators as to how much of the migratory phenomenon is permanent resettlement continues. [5a][5c]

6.A.214. In August 2001, there were news reports that the PRC is planning to ditch the Hukou, the residency permit system, within the next five years. Alternative registration is proposed by the State Development Planning Commission, based on a scheme of employment registration. [9ct]

6.A.215. The move has apparently been in response to the possible effect of China's entry into the WTO. Entering the global market will demand further flexibility of the workforce to relocate, with 50 million of the current 150 million rural unemployed moving to urban areas in the next five years. The Hukou system is held to be an obstacle to a more sophisticated labour force, but its demise will be unpopular with resident urban populations. [9ct]

CHINESE EMIGRATION ISSUES

INTRODUCTION: CASES AND JOURNALISTS' INVESTIGATIONS

6.A.216. Chinese emigration has been in process for many hundreds of years, and in its current form to the West for decades, but a number of events and media highlighting have developed the idea that such emigration, particularly illegal immigration (into recipient countries) is a new, dangerous, disturbing, growing trend. Two academic studies, both in conjunction with the International Organization for Migration (IOM), have explored the lack of reliable information associated with the miscasting and the misunderstanding by most media sources of Chinese migratory trends. [19g][19h] One report, by Ronald Skelton in 2000, [19g] draws mainly from the US experience and corrects some media misunderstandings that were apparent in 1999. [19g] The other report, by Frank N. Pieke in March 2002, reports on the findings of the first major academic initiative to understand Chinese trans-border people flows in relation to the European experience. [19h] The Pieke group's findings reflect the situation in Fujian and Europe in 2001. [19h]

6.A.217. The purpose of this particular bulletin is incorporate these findings and their comment into the existing CIPU information about Chinese emigration, to clarify the understanding of Chinese irregular migration. This document is intended to develop a more cogent understanding of the issues. The misconceptions and their variance with more reliable information were very pertinent to the human rights issues that came up in the Bin Hou determination, heard in June 2001. [24a]

6.A.218. Principally, the new research moderates the understanding of a Snakehead from typically being a hardened criminal from an organised criminal gang to someone operating on a more occasional basis, with an eye for an opportunity to circumvent legal immigration for others' benefit and personal profit. To give an understanding of the sensational media reporting that has arguably placed artificial weightings on the issues, four key cases picked up by the media and a typical media exposé are outlined below.

The deaths in Dover, 19 June 2000

6.A.219. Just before midnight, 18 June 2000, a customs officer inspected a refrigerated lorry at the docks, Dover East, and discovered 60 bodies - 58 dead and two survivors. The Dutch-registered vehicle had previously aroused the suspicion of UK Customs and Excise, and was intercepted on arrival from Zeebrugge. The deaths were through suffocation not hypothermia, as first surmised; it was a deliberate attempt to smuggle people into the UK, as the refrigeration unit had been turned off and a cargo of tomatoes was arranged as a screen. Suffocation occurred when vents were closed. [9o][9s]

6.A.220. The 58 dead and two survivors were without any official documentation. The two survivors were male, as were 54 of the dead; the remaining four were female. Their gender / age profile fitted the typical profile of claimants from Fujian (male and between 15 to 45 years old), which was subsequently confirmed.[9o][9s] The two survivors were placed under police protection, and an investigation by the Kent Police was undertaken in conjunction with the National Crime Squad. [9n][9o] In September 2000, three British detectives went to Fujian for DNA samples and by 20 September 2000, all of the 58 dead people had been identified. [4jy][4ka] On 12 September 2000, police announced that several key suspects were arrested, [4jz] and in April 2001, brought to trial. [4qm]

6.A.221. The incident was internationally reported and it was the first major incident reported in the UK press, though issues had first been uncovered in the UK press during the snakehead trials of October 1999. Similar information and emphases about the issues were repeated during and after the trial of Perry Wacker (the driver) and Ying Guo (the contact) in 2001. [4qm] (See below, *Snakehead gang members outside PRC*)

The Golden Venture

6.A.222. The American media experience of snakehead activities dates further back than 2000, namely to 1993, when the ship, *the Golden Venture*, ran aground just outside New York harbour. [19g] It was the culminating act of a particular snakehead, Cheng Chui Ping - "Big Sister Ping", and her ultimate undoing (see below), but her involvement was little understood in the initial reporting of the incident. [9ap][10ay]

6.A.223. The *Golden Venture* was a rundown freighter that Ping and a conglomerate of other snakeheads used in an unusually large and "audacious" shipment of 300 Fujianese would-be immigrants. The *Golden Venture* ended her journey in a spectacular fashion on 6 June 1993, when the ship was run aground on the Rockaway peninsula, in the New York borough of Queens. Immigrants were then forced to abandon ship and swim for shore, with ten people dying as a result. 'The Golden Venture disaster provided a wake-up call for the US authorities' [10ay] and, in the words of Ronald Skeldon, 'This incident has perhaps done more to crystallize thinking on the irregular migration of Chinese to the West than any other single event.' [19g]

Pacific Coast cases, 1999

6.A.224. In June and July 1999, boatloads of Chinese immigrants began arriving on the western seaboard of US / Canada, and the incidents started attracting considerable media attention. All passages had been arranged by snakeheads. Most boats intercepted were either heading for the US but diverted to Canada, or, on interrogation of claimants, were to drop the immigrants in Canada who would then proceed to the US using land routes.[18] 203 people were caught as container stowaways in 1999, in western seaboard ports. [9i] 136 people on eight ships were detained by the Canadian and US authorities in the period 25 December 1999 to 14 January 2000. [9k] On 6 January 2000, 10 Chinese teenaged women were detained by the Canadian authorities about to cross to the US.[4fi] The US authorities found a further boatload of 15 immigrants in Seattle on 9 January 2000: they also found three corpses in the same container. The 15 immigrants were malnourished and dehydrated. They are the first deaths to be discovered by authorities, and later held to have died from dehydration caused by seasickness. [4fp][4gb][9i]

6.A.225. In the last week of December 1999, the US authorities found 30 immigrants at Long Beach / Los Angeles (4 January 2000). [4fb] The authorities were able to arrest three men waiting near the ship. [4fe][9m] The US INS detained 14 stowaways in Seattle on 5 January 2000.[4ff] At the beginning of January 2000, Canada intercepted one ship with two containers containing 25 immigrants in total (in a news report dated 5 January 2000). [4fg] The container ship had been diverted from Seattle because of port overload on 6 January 2000. The incident prompted Elinor Caplan, the Canadian Minister of Immigration, to announce a trip to China in April, starting on 20 April 2000, to discuss immigration matters.[4fh][4gl] It precipitated a coordinated effort from interception to returns over the period of a year, that gives an example of a target country's official response, [11t] from the actions of the Royal Canadian Mounted Police to the asylum process involving the Canadian Immigration Refugee Board. [11v]

The Cape May case of 2001

6.A.226. The *Cape May* case, in which three of seventeen stowaways died in a US-bound container ship from Hong Kong, gave more details about arrangements en route. A junior snakehead was with the group and was equipped with two mobile phones to communicate with gangs at both ends of the journey. [4um] Once in Seattle, another snakehead was to escort the group on public transport from Seattle to New York. [4un] The same smuggling ring included a car mechanic who regularly went to Fujian to give "a sales pitch about the glories of the United States" but also assisted with facilitation. [4uo] A New York asylum law firm was also involved, with Robert Porges, its head, and his wife admitting constructing false asylum claims whilst knowing the claimants were being kept as slave labour. [4uu] The Porges and four members of staff are currently facing eight years in jail. [4uu]

The Alpert Interviews

6.A.227. A documentary programme, produced by Globalvision for US television in April 1996, combines most of the elements that are to be found in media reporting of snakehead activity. [23f] It suggests that snakehead activity has "recently" arisen; that the snakeheads are Chinese gangsters; that the Chinese Government colludes with snakehead activities; it details the high price of the snakehead passages and the debt burdens; the deceptions and the miserable slavery of illegal entrants once in the US. [23f]

The resulting perceptions from media reports

6.A.228. The Alpert interview (above) is typical of media coverage that, in the words of Ronald Skelton, "...give the misleading impression that the world's most developed countries are under the threat of a wave of irregular migration from the world's most populous country. Such a conclusion is, however, far too simplistic." [19g] An article of September 2000 in *the Canadian Journal of Communication* specifically focussed on the language the media used in the reporting of the Chinese "boat people", confirming Skelton's observation of an alarmist approach. [11x]

6.A.229. Skelton continues to outline misunderstandings regarding potential growth of migrants from China; motivation for emigration; involvement of criminal gangs, particularly triads; the reported abuse and exploitation of Chinese irregular migrants; and the large sums of money involved. [19g] Frank Pieke's researchers also found that the nature of Chinese emigration was far more complex than initial media outbursts had allowed for, and particularly underpinned a more subtle and culturally-aware understanding of criminal gang involvement at the point of recruitment of victims. [19h]

6.A.230. Therefore, the above cases will be referred to, in following sections, in terms of adding details to explanatory information, incorporating the findings and understandings of Skelton and Pieke. However, as Pieke points out, there are great gaps in what is known of snakeheads' operations and their societal context, at just about every juncture: 'policymakers also remain almost wholly in the dark regarding vital issues, such as the economic and fiscal contributions and the welfare and infrastructure costs of the Chinese communities... further research is urgently required.' [19h]

THE PATTERN OF CHINESE EMIGRATION

General information on Chinese emigration patterns

6.A.231. Most of the Chinese asylum seekers in the United Kingdom are from Fujian province. Some areas in Fujian and neighbouring coastal provinces have a long tradition of migration and may have over 10% of their population living abroad, substantial foreign exchange earnings, access to high seas transport and large numbers of returned migrants living in the community. [2a][11c] The snakehead operation begins in Fujian, and is mainly centred around Changle City, drawing clients largely from the ten metropolitan counties of Fuzhou metropolitan area (Changle is part of this conurbation). [10ay] In September 1999, the Economic and Social Research Council, as part of their transnational communities project, commissioned a three year research project on the Fuzhou diaspora in Europe, under the direction of Dr Frank Pieke of the Institute of Chinese Studies, University of Oxford. [19a][19h]

6.A.232. Chinese emigration outside China is both an old phenomenon and a new one. Old in that emigration happened throughout the Qing dynasty, and nationalist eras, prior to 1949; new in that an unprecedented wave began in the late 1980s. [19g] [5h] A new development in the latest increase has been emigration to ex-patriot Chinese communities irrespective of family / village / same province links, primarily because of the use of people-traffickers. [5h]

6.A.233. One aspect of Chinese migratory patterns is that some areas of China have had traditions of migration to both other parts of China and to Chinese communities outside China. One example is of the cities of Wenzhou and Qingtian, Zhejiang Province, providing migrant communities in both Beijing and continental European countries (notably, in Italy and Hungary). Fujian Province, especially the 10 metropolitan counties of Fuzhou City, has developed its own tradition and patterns in the latter 20th century. To quote Frank N. Pieke: -

"... Examples vividly illustrate that most forms of migration do not bring the most destitute to the cities: migration requires a certain mind set and access to opportunities and knowledge that are only found in communities that have specialized in migration" **[5b]**

6.A.234. Five main migrations to Europe in the 20th century have been identified.

1. From Southern Zhejiang ("the Wenzhou community"), arriving early 20th century, mainly in Moscow and Paris and so to rest of continental Europe.
2. Cantonese from Pearl River delta, arriving circa 1940s, then 1950s from the Hong Kong new territories, to North-Western Europe, and later to continental Europe.
3. Ethnic Chinese from Indochina region circa Vietnam war, to mainly the North-Western European region.
4. From northern Fujian Province, from the late 1980s to date, to Western Europe as "second choice" to the US.
5. From North-East China to Eastern Europe and Former Soviet States in Europe, mid 1990s to date. **[5h]**

6.A.235. The latest Pieke report is keen to stress that there are patterns within each individual wave, and the waves often move within one another. **[19h]** The March 2001 research in Fujian draws a distinction between Mingxi county, a poor, backward county with no contacts in Western countries and little experience of other emigration (thus representing a nascent snakehead scenario); and Fuqing county, a coastal county where contacts and experience is mature to the point of exhausting the supply of migrants. **[19h]**

6.A.236. The establishment of a recipient community with good trade links with home communities is an important migratory factor outside mainland China, in expert sources' opinion. A process of chain migration occurs. Immigrant entrepreneurs have a competitive advantage with strong trade links with home communities, and from that basis, *guanxi* - "favour through social connections" builds up the community. **[5b]**

6.A.237. A feature of Chinese migration is the development of Chinese transnational voluntary associations. Such associations have been relatively few in number in Europe compared to other areas of Chinese migration. It is held to reflect a transnational outlook by Chinese migrants: -

"Before leaving China, most migrants look to 'Europe' rather than to any specific European country as their destination. After arriving in Europe, it is quite common for them to transfer from one country to another, and then to a third or fourth country, especially just after arrival." **[5g]**

6.A.238. Social networks are a key consideration when looking at Chinese migratory patterns. Academic interest in the subject is particularly keen on future analysis of ethnicity and changing identities through networks. How far do family / village / clan ties assist migrants in recipient communities, be they in China or outside China, and do they play a role in assisted migration i.e. do the people-traffickers use such ties? **[5c]** The Mingxi "pioneers" to the West are interesting in this respect to the Pieke researchers: pure luck seems to be an element of whether a seed community begins or not. **[19h]**

6.A.239. In the more established communities, akin to both transnational organisations and to *guanxi* related links of family / clan / village, are the *tongxianghui*, regional community organisations. They have trading links with the home communities, but also are establishing, or at least purporting to establish a voice for specific regional communities within the recipient nation's Chinese communities. **[5i]** Local factors dictate whether the *tongxianghui* succeed or not, for instance with the short-lived London Fujian *tongxianghui*, which ceased in 2001 after about one year's existence.

6.A.240. Thus an attractive recipient community will provide links to an employment or entrepreneurial market; ways of securing accommodation; the security of, or the hope of, being with people from your own area; and above all the hope that any discomfort will be temporary, preferably for the shortest possible time. All these needs can be met within the recipient community, at varying levels of profit to the facilitators; the facilitators can all be nebulously described as 'snakeheads'. Such a definition is important as snakeheads range over both legal and illegal methods of facilitation, be it money-lending / loan-sharking, ensuring regularised

entry into a country / people-smuggling. Skelton in particular emphasises the broad spectrum of facilitation, in preference to the "criminal threat" of snakeheads. [19g] Skelton draws out the difference of "people-smugglers" who use irregular and illegal ways of smuggling people over national borders, and "people-traffickers" who *may* use people-smuggling as one method, but are operating as wider facilitators. [19g] "Criminal master-minds" are hard to identify in the process, and may be misleading targets for law-enforcement disruption of snakehead networks. [19h]

6.A.241. It is important to note that most routes for Chinese migrants to the European Union (EU) are piecemeal, as opposed to direct sea-crossings across the Pacific (irrespective of Canada / US border issues). So, particularly in the EU scenarios, legal emigration from China can then develop en route (or eventually, if no firm initial destination is in mind) into illegal entry into the EU. [19h] [5i] Legal Chinese emigration is therefore a lesser factor in EU emigration than in immigration to Canada / US /Australia.

Legal Chinese Emigration

6.A.242. The Chinese Government routinely permits most legal emigration, most recently in 2000 to Serbia [4nu], and most private foreign travel. Individuals are often required to obtain a passport, an exit permit, a visa and a second exit permit. Both exit permits are issued by the Public Security Bureau. Written permission from the work unit is a pre-requisite. The purpose of the second exit permit has seemed not to be to "control exit" (the stated purpose of the first form) but rather to allow for an exiting emigrant to be de-registered from neighbourhood, work unit and other records.[2a][4gg]

6.A.243. Special exit permit requirements imposed after the 1989 Tiananmen massacre were lifted after a couple of years. Regulations adopted in 1994 permit a Chinese citizen to exit the country without an exit permit if the traveller has travelled abroad at least once before for the same purpose.[2a] The US Government's response to the post-Tiananmen special exit permit requirements (in short, of a readier acceptance of People's Republic of China [PRC] claimants, and a 1991 amnesty for Chinese irregulars in the US) was arguably a factor in the growth of people-trafficking from Fujian. (10ay)

6.A.244. In March 2000, the exit procedures for private citizens for leaving PRC were simplified, in line with a relaxation of application to exit conditions in April 1999. The range of people permitted to visit friends and family abroad has been widened. 'Laid off employees of state enterprises ... may apply for a passport if they can submit a photocopy of a letter of invitation from abroad and a photocopy of a valid piece of identification belonging to the person making the invitation or submit a foreign employer's written job offer.' The regulations surrounding passport replacement have been simplified as well. [3ac]

6.A.245. In the Far East, Hong Kong, Bangkok, and Kuala Lumpur are all nodal points for a pattern of legal entry to and then illegal exit from. [19g] Legal emigration is being and has been abused, most notably emigration to Serbia in the late 1990s, with illegal emigration to the EU. One route is a land route via Hungary, with Hungarian police picking up 100 to 150 illegal immigrants per month. [4nu]

Illegal Chinese Emigration

6.A.246. Illegal emigration in this context means the exiting of the PRC without the Chinese authorities' authorisation. This is a condition routinely claimed by UK and other recipient country asylum claimants, who typically present themselves as being without any official documentation. Technically, the act of exiting mainland China without permission is an offence. If this is the only unlawful act committed by the emigrant, then they are punished under Article 14 of *the Law of the People's Republic of China on the Exit and Entry of Citizens* (1981) and thus "may be given a warning or placed in detention for not more than ten days by a public security organ". [3i] Confusion over the penalties and conditions awaiting returnees is one of the difficulties faced by recipient countries' governments in returning to the PRC (see below, *Returnees*) and is exploited by the snakeheads as being as much a facilitation device as legal emigration from China.

THE CHINA SIDE OF SNAKEHEAD OPERATIONS

6.A.247. A key feature of snakehead operations is that the areas of China from which they recruit are very localised. (See above, *General information on Chinese Emigration Patterns*) In the case of the UK, northern Fujian Province, particularly around Fuzhou city is of interest, though increasingly Liaoning Province in the northeast, particularly around Shenyang City, is an important point of origin. [19h]

6.A.248. The growth of sending areas is not purely down to the conditions of the PRC as a whole. Snakeheads and their operations have not grown up independently of the conditions in Fujian, but, as Skelton writes, '...the principal reasons for the irregular migration are not to be found in absolute poverty but in the increased knowledge of opportunities available elsewhere - the very product of development. While standards of living in [Fujian] may be the envy of many within China, the capacity to earn

money is low compared with the developed countries in the West.' [19g][3br]

6.A.249. The nature of the Liaoning rings is not yet understood. Liaoning Province is in China's 'rust belt' of state owned heavy industrial enterprises that are slowly grinding to a halt, and where millions of lay-offs have been effected. Dalian city and Shenyang city have seen large-scale demonstrations of redundant workers. Changchun city has been the centre of Falun Gong arrests in March 2002. Thus Liaoning Province represents a rather different background to the relatively prosperous Fujian Province. It is not known at this point (July 2002) whether Liaoning snakeheads operate differently from Fujian snakeheads.

Snakeheads in Fujian

6.A.250. In terms of who are the Fujian snakeheads, the Canadian IRB posted an informative response on 28 September 1999 concerning snakeheads, with information about loan sharks and snakeheads, activities in Fujian province, and treatment of returnees. [31]

6.A.251. From expert witnesses, it related a number of loose, hierarchical structures, with roles such as "big snakehead" overall manager and investor in the operation; "little snakehead" or "snaketail" - usually a mainland based middleman between customers and main operators. Other roles include: transporters, guides, and crew members/drivers (couriers transporting customers over borders, from one transit point to another); corrupt public officials (for document and exit/entry facilitation); enforcers (group leaders appointed by operators from customers themselves to maintain order); support personnel (locals operating safe houses, etc); and debt collectors (will usually detain customers until smuggling fee is paid by families). In short, such rings involve many people, and many complex connections. [31][5k] Skelton mentions that "big snakeheads" go to great lengths to avoid disclosing their identities to potential clients. [19g]

6.A.252. Snakeheads, and their users, view snakehead operations as business ventures. Skelton talks of 'a business that, like capitalist enterprise, involves risk, exploiting the opportunity and, ultimately, profit.' [19g] Pieke conversely refers to the snakehead clients' view of the process as a business, 'migration is an opportunity for people to invest resources... in a venture that potentially will pay back many times the original investment.' [19h]

6.A.253. Fujianese people-trafficking has changed since the early 1990s. Most of the early trafficking was done to supply labour-brokerage, where a particular business owner in the receiving country arranged for the import of cheap labour in order to reduce overheads and increase profit / under-cut competition. [19g] By the late 1990s, the snakeheads inverted the process and developed a user-led market, hooking clients with tales of wealth and evidence of earlier migrants' remittance back home (remittances being money saved and send back home to relatives, either for their use or for safe-keeping). [9n]

Motivations of snakehead clients

Remittances and financial success

6.A.254. The economic gains of going abroad are legendary in Fujian Province. Indeed, migration has been highly regarded in other parts of China for centuries, particularly in the nineteenth century to America (America is known in Chinese as *meiguo*, "the beautiful (or golden) country".) To be able to achieve a materially better life is one part of the motivation: that to be seen by the home community to have achieved such a life is just as important. [19h] Remittancing back to Fujian, as proof of success, was seen as the driving force of emigration by most commentators. [4gu]

6.A.255. Since the mid-1990s, the effect of remittances has been tremendous, and in an immediate sense, highly visible in established migrant areas such as Changle. Many new residential buildings have been built, and community facilities, particularly churches and temples, have received refurbishments. However, press reports indicate that a whole of section of society is missing from such established migrant communities, mainly the male working population between 16 and 50 years of age, and increasingly many young women. [10ar]

6.A.256. Academic experts also raise concerns about the benefit of migrants' remittances back to the communities of origin. Migration undermines the rural economies, with local agriculture replaced with consumer services. It is debatable as to whether remittances produce any capital for reinvestment in traditional industries. [5c] In the case of Mingxi, researchers found that the community had been based on large-scale state enterprise (logging and timber processing) that had effectively ceased. Likewise, in Fuqing, there was no active entrepreneurial base to feed investment back into. [19h]

6.A.257. One source has stated in February 2001, during the Perry Wacker (the Dutch driver charged with the manslaughter of the Dover 58) trial, that the new building developments in Changle were not the tangible result of remittances back from China, as popular belief had it. They were actually from the profits of the snakeheads, to encourage the belief that victims can strike it rich in "the beautiful country". [5k][10ar] Likewise, Cheng Chui Ping, the snakehead who arranged the *Golden Venture*, (See above, *the*

Golden Venture) had considerable property holdings in Fujian. [10ay]

6.A.258. Recent research by the Pieke group has however found a more complex pattern regarding remittances than as a simple deception device by snakeheads. [19h] Individual emigrants really do remit back, and there is a culture in established sending towns such as Fuqing of ostentatious building and cultural investment to increase 'face' in the home community. In many cases, the houses serve no actual purpose, with the emigrant giving no indication of ever returning back to Fujian. [19h] Still, there is no hard information as to where, in terms of from which community abroad, or the circumstances of remittees. Indications are that most UK Fujianese are still in the early part of their careers and may not be amongst the more ostentatious remittees.

Family pride and status

6.A.259. Another driving force, a push factor, is the social prestige aspect of having a relative "doing well abroad". [4nv][15h] The social dynamic of parents keen to see their children (particularly sons) "get away and get on", with the hope that one day they will return heavily-laden with the fruits of success (or at least send photographs) has been self-perpetuating as more and more young people disappear. The darker side of this aspect is that families are willing to accept no communication or limited communication with their relative in the belief that so doing protects their identity and aids them in achieving their goal. The deliberate manipulation of family pride, *mianzi* ('face', pride, sense of self-worth), and community pressure is a snakehead characteristic. (See below, *Financing the trip*) [15h]

6.A.260. Experts point out that in the migrant frame of reference travel and distance represent travel and distance up or down the social hierarchy. There are three main types of migration - a small number of educated professionals trading on their qualifications, a larger number of small-scale entrepreneurs entering via family connections, and those entering via low-status, low-paid jobs eschewed by the rest of the community or communities. Those who enter at the lowest level do so in the hope that a new community will bring opportunities to leave such jobs. [5b][5c] One newspaper commentator has stated that many snakehead victims come from relatively well-off families and have little idea of what they might encounter. [4nv][15h]

6.A.261. A main London Chinatown website has identified this overarching sense of family pride as a cultural prejudice that should be moderated in the face of the danger of using snakeheads. [22p] Kwong has mentioned a curious moral inversion at play. Families will expect migrants to get on, work hard, and pay off the snakeheads as soon as possible: those who do not rise to the challenge are considered *mei zu shi* - "useless, worthless, lacking in ambition" [5i] or *mei chu xi* - "no great future" [3br], and a disgrace to the family. Many migrants have a vague expectation along these lines, and are thus further inhibited from telling anyone, including their families, about their predicament. [5i] Emigration is particularly perceived as being something that young people should do. [3br]

Profiles of Fujian emigrants

6.A.262. Information about the typical migrant profile from Fujian is difficult to obtain. This is partly because there are divergences in the profile of receiving countries, but mainly because the activity in Fujian is illegal, and thus hidden from researchers. As referred to before, snakeheads use all sorts of means of facilitation. Pal Nyiri, a Hungarian researcher based in Oxford, has shown that in eastern Europe, outside the EU, there are large migrant Fujian communities of young people, typically 20 to 30 years of age, who have gained initial entry legally, and are scouting around for possibilities. Many regard themselves as being in transit. [5i] [19h] The only visible feature of the emigration to the UK is through asylum claimants and through detection of illegal entries, and this gives a rather changed profile, as a desperation factor brings forth older claimants (who have not slotted into the labour black market as easily) or claimants who have massaged their purported ages down from 20 to under 18 to take advantage of the benefit of being treated as an unaccompanied minor.

SNAKEHEAD EXPLOITATION OF MOTIVATIONS

Development of trust

6.A.263. One article [10ay] is interesting in that it traces most snakehead activity back to the activities of Cheng Chui-Ping "Big Sister Ping" in the 1980s. Through tracing Ping's career as a snakehead it throws up a number of interesting observations, the substance of the article backed up by Professor Ko-Lin Chin's understanding of the situation. [10ay] Such individuals fostered both an emigration mind-set and complacency towards snakehead activities within the Fuzhou community.

6.A.264. As far as "big snakeheads" go, the case of Cheng Chui-Ping - "Big Sister Ping" - holds certain trace characteristics. Firstly, the overriding factor is that these facilitation agents are trusted by their clients. Ping, and by extension Fujian emigration, started in a small way in the mid to late 1980s. In the New York scenario at that time, and presumably in other established

Chinatown communities in "Western" countries, a simple equation of supply to meet direct demand was operated. It involved fixing the entry of immigrant workers for the restaurant trade on a direct contract from restaurant owner to the snakehead to supply workers. Ping was one of the most successful brokers of contracts, having developed a comprehensive network of contacts and a great manipulator of *guangxi* (the art of networking). The shock of her arrest to the New York Fujianese community is testimony to how persuasive and deeply rooted her networking powers were. [10ay]

6.A.265. There is a careful cultivation of "good side / nasty side" in operations: any criminal connections are kept firmly out of sight, with Ping herself held by most sources to have been "very ordinary". [10ay] Further, there has been the deliberate re-investment of money into the community to foster the belief that illegal emigration pays. Snakeheads have given out that the ostentatious luxury apartments that have sprung up in Fuzhou since the mid-1990s are the result of remittances sent back home; the properties actually belong in the main to snakeheads and those they pay off, and the Fuzhou community are becoming aware of this. [10ay] This is irrespective of the Piek group's finding that genuine remittance occurs widely. [19h]

6.A.266. "Success" is measured in two ways: safe illegal entry initially, plus independence from snakehead ties ultimately (for the customer); and payment (irrespective of source, be it from the customer or their families) for the snakehead. Experts consulted by the IRB say payment is usually broken down into a deposit (typically of about US\$1,000 to 3,000) and a final payment (usually US\$33,000) payable on a "safe" (i.e. undetected) arrival in the US. [3I] The experts consulted by the IRB gave similar accounts of how the snakehead will discount part or the full final payment if the arrival is "unsafe" i.e. the customer is detected by immigration authorities and returned to China. One expert (Dr Chin) has stated that the snakeheads will even pay fines for deportees if they think it will secure their anonymity from the Chinese authorities. The experts have found no cases of harassment of deportees by snakeheads upon return, but have also stated that any harassment is unlikely to be reported to the authorities, on the grounds of being involved in a crime (illegal exit) in the first place. Another expert has pointed out that harassing returnees is 'bad for business' and deters prospective customers.[3I]

6.A.267. Snakeheads that have built their businesses on the trust of clients and perhaps the wider community are not willing to see that goodwill broken by the return of unhappy clients. There have been some reports of snakeheads arranging discounted or free passages for second attempts, or no payment necessary. [10bd] Ping seems to have played on acts of compassion, both in New York and in Fujian, and distanced herself effectively from her "enforcement agents". [10ay]

6.A.268. Because of the above factors, the relationship between the snakeheads and their clients has been described thus:-

"The Chinese do not normally fear the people who arrange the trip. They are providing a service. Yes, it is expensive and sometimes dangerous, but it is an investment the Chinese think they can recoup from working in a better economy. Few Chinese are surprised at being threatened when they don't pay up. In their minds, they have reneged on the deal. After all, it was not the snakeheads who killed the 58 people, it was the man who closed the vent."

Pal Nyiri, Senior Research Fellow, Department for Chinese Studies, University of Oxford. [10bb]

6.A.269. Since the Dover tragedy, there have been anecdotal reports via the media that users of snakeheads are only interested if entry is by air, i.e. less dangerous and 'more legal'. Such requests and subsequent promises mean little further down the migration routes (see below, *Snakehead gang members outside PRC*) but indicate some concern trickling back into the sending communities. [22p]

Cultural manipulations

6.A.270. Snakeheads, having emerged from the communities in which they ply their services, indeed often having been emigrants themselves (such as Ping), know how to entice. Conversely, the snakeheads depend upon the complicity of the sending communities: there were media reports of snakeheads, having lost "face", being set upon and looking for police protection from angry crowds. [10bd]

6.A.271. One cultural aspect that snakeheads play upon is the hope of sending families that the individual will be lucky. Tragedies are emphasised as happening to other people, through other operators.[9n] As communication can be difficult, in cases made deliberately so by snakeheads, who has been lucky is difficult to ascertain, and perpetuates a reluctance to pass on bad experiences as warning. [9p] To quote Dr Peter Kwong, 'In all the conversations I had in China with different people, I have yet to convince a single individual that illegals in the United States are facing tough times.' [5I]

Financing the trip

6.A.272. The basic financing, or more accurately the promise of financing, of customers' trips is usually secured through the customers' family networks rather than through loan sharks. One expert (Dr Chin) says family arrangements account for up to

90% of cases. [3I] Another expert (Dr Pieke) has pointed out that whatever costs are incurred - snakehead fee, deposit, or fines levied on return - are crippling for the individual and often for the family; and most experts agree that such debts lead to a high degree of recidivism, with migrants trying to emigrate again to earn hard currency overseas. [3I]

Connections with organised crime

6.A.273. In the 1990s, as the Fujian phenomenon unfolded, many commentators were keen to know whether the snakehead gangs were part of or linked to existing criminal organisations, particularly in relation to the triads. [2s] Skelton identifies this as the main myth that has grown up around the snakeheads. [19g] The main misconception is that a single triad can exert influence throughout the whole route, or that there are criminal "Mr. Bigs" controlling the whole trade. Skelton points out that 'there appears to be no question that triads are involved in trafficking but the degree of their involvement... is not at all clear'. [19g]

6.A.274. As a crude generalisation, criminals in terms of triad (criminal gangs in China, Hong Kong and Taiwan) or tong (criminal gangs in the US) members tend to involve themselves at points where there is the maximum profit for the minimum interference, and leave the snakeheads to run most of the operations. [2s] Hence triads are not held to be involved in recruitment of migrants, as they are not trusted. (see above, *Development of trust*) The snakeheads in turn will look to local suppliers of services, such as the Dutch driver hired by the Dutch / Turkish gang of traffickers in the Dover 58 deaths tragedy. [9co][9cs]

6.A.275. Whether the snakeheads are gangs of organised criminals themselves is also a debatable point on which no-one has clear information. Skelton points out that the nature of the trade itself limits the development of formal gangs. [19g] The incidents seems to indicate that many successful bit players such as Porges the lawyer (Cape May); Ying Guo (Dover tragedy); and Ping Ching-Chui (Golden Venture) all had successful track records in their particular roles. They were all parts of packages put together with their active agreement, but were mainly caught out by bad luck and over-reaching themselves. (see above)

6.A.276. Criminals are attracted by the gains that snakeheads make, and are apt to push for large number / high risk / high gain gambles. For example, the use of the freighter *the Golden Venture* owned by the criminal gangster Ah Kay, head of the Fuk Ching gang (reportedly won in a game of poker). [10ay] In short, criminals seem to muscle into people-trafficking as they do into other dubious activities, such as prostitution and drug-trafficking, rather than running the operations. There are points where they are conspicuously absent, and others where they dominate (such as the non-Chinese Channel gangs that Chinese migrants use to enter the UK).

Relations with the PRC authorities

6.A.277. There seem to be three identifiable possibilities at work when snakeheads approach the Chinese authorities: there are cases of individual compromise; of a culture of quiet acceptance by central and local government and their officials; and of officials compromised by and involved in wider criminal activities. Again, concrete evidence is lacking. Further, the snakeheads are flexible in their use of all three possibilities, and any variant is possible.

6.A.278. The most direct approach is a drip by drip compromising of key officials. Ping achieved a position of influence with individual officials through a slow and deliberate process of compromise, until officials were implicated. The extent of her influence is not known. [10ay] Other snakeheads play upon family and clan loyalties, and a variety of deceptions on susceptible individuals.

6.A.279. The experts contacted by the IRB state that governmental corruption plays a part in snakehead operations, mostly facilitating exit with documentation and influence. [3I]

6.A.280. One expert (Dr. Kwong) sees a link between government officials and underground criminal elements. [3I]

6.A.281. Another expert (Dr. Pieke) has taken a different tack, pointing out that the Chinese Government will simply issue passports to Chinese who wish to emigrate and have a valid letter of invitation from a direct relative abroad. It is then up to the recipient to obtain a visa and to travel legally, or to use the services of a snakehead. [19h] 'De facto, China (and particularly the Fujian authorities) have a pro-emigration policy.' [3I] Pieke has continued in his 2002 study, 'Increasingly, the Chinese Government has become aware of the potential benefits of the "new migration", and there is even talk of "new migrants" becoming the "new overseas Chinese", a cash cow potentially on par with the established overseas Chinese.' [19h]

6.A.282. Law enforcement, rather than active involvement, is another aspect relating to officials. Whereas the Chinese (Central) Government hotly denies that it promotes an illegal emigration out lined by Pieke above, it is sensitive to the criticism of letting snakeheads abuse weaknesses in border enforcement. [19h] (See below, *Chinese Government responses*)

Documentation

<http://www.ind.homeoffice.gov.uk/ppage.asp?section=168&title=China%2C%20Country%20Information> 11/17/2003

6.A.283. In Fujian, there are documentation rackets, selling false and fraudulent emigration documentation and any other documents required. One article reports advertisements put up by forgers around Fujian villages. **[10bd]** Another article talks of the "immaculate" visas permitting travel out of PRC to Hungary. **[10bb]**

6.A.284. Information posted on the Canadian IRB website from the Investigative Division, Immigration Department of the Government of Hong Kong Special Administrative Region (given 28 March 2000) indicated a steady level in the number of forged travel documents intercepted (3,594 in 1998; 3,530 in 1999). The IRB reported an increase in the usage of forged documents by PRC nationals in 1999. The report lists top overseas destinations and top ten types of documents forged for the two years, arguably showing the versatility of agents in switching routes, methods and means. **[3q][3x]**

6.A.285. In addition to forged documents, the term "fraudulent documents" can be extended to authentic documents obtained illegally, and altered documents. All are extensively documented as being used by people-smuggling rings, and there being a black market for fraudulent documentation, particularly in Fujian Province. Fraudulent documentation used by people-smugglers is very diverse, including anything that will facilitate entry. **[3x]**

6.A.286. One expert who gave evidence to an Australian Parliamentary Committee, Dr John Aird, a specialist on the population of China, stated:-

'In the case of Chinese asylum applicants, some skepticism is warranted. There is evidence of a lively industry in China of fabricating "official" documents including false sterilisation and abortion "certificates" for departing asylum seekers, and in some US cities there are Chinese entrepreneurs who for \$100 will supply an asylum applicant with an affidavit in English in which all of the answers are sheer invention (September 1999)' **[3x]**

6.A.287. The US INS have noted a recent addition of purported Falun Dafa (Falun Gong) related papers to the range of fraudulent documentation. **[3x]**

6.A.288. Beijing authorities have claimed that Chinese illegal migrants are changing destination for Europe as other countries tighten their borders. **[4nj]** A fraudulent documentation ring based on forged Japanese passports, with "Japanese" visitors entering the U.S. and Canada, was smashed in January 2001. **[4lo]**

WIDER SNAKEHEAD OPERATIONS

Routes out of PRC

6.A.289. With regards to the snakeheads' air and land routes out of mainland China to the UK, Bangkok and Kuala Lumpur have been identified as key staging posts. The UK has joined the US, Canada and Australia in Operation Foursight to combat forged documentation and snakehead couriers in 9 major airports in the Far East. **[4an]** Cambodian police intercepted 56 Chinese emigrants bound for an undisclosed "western third country". Vietnam was believed to be part of the route. **[4fo]** The reports of the routes used by snakeheads have increased. The islands of St Thomas and St John in the U.S. Virgin islands have been used as final staging posts, obliging the U.S. INS to fly claimants to the U.S. mainland for processing. **[9x]** The INS has recently broken up a people-smuggling ring in the Caribbean. **[9y]** In an article about Los Angeles International airport (LAX), the challenge of Chinese illegal emigration to the US INS is highlighted and claims there has been a change away from one-child policy persecution towards involvement with Falun Gong in asylum claims. The US approval rate is stated as being about 13% of cases. **[4hc]**

6.A.290. US Department of State information, posted in July 2001, has pointed out that Chinese migrants use both the Mexico / US (349 illegal migrants in fiscal year 2000) and the Canada / US land routes (321 in 2000). **[2t]** Smuggling in to the US by sea has declined dramatically since tougher security checks have been implemented after September 2001. **[2u]** Likewise, direct flights for Chinese illegal migrants to the US are highly sought after, but very rare, with improved document detection preventing many previously undetectable illegal entries. **[2v]**

'Europe' and beyond

6.A.291. In Pieke's words, 'To many Fujianese migrants, migration is an open-ended experience and process... Once on the move, many migrants, even those who have returned home, never reach a final destination, but can always move on if the conditions are right.' **[19h]**

6.A.292. This would fit into previous information found that suggests clients of snakeheads are sold a passage to "Europe", that they then find snakeheads deliver them into communities in Hungary and other Eastern European countries, with further progress west coming at an additional price. **[10bb]** Different destinations are understood by irregular migrants to command different prices,

with the vague understanding that some places are less desirable than others,[31] but the actual country conditions can come as an initial shock. [19h]

6.A.293. One victim (one of the two survivors of Dover June 2000) was accepted to travel by the snakeheads on payment of 5 percent of the agreed total price, with an understanding of bonded labour to clear the debt. [10bc]

SNAKEHEAD GANG MEMBERS OUTSIDE PRC

On the journey

6.A.294. Apart from front organisations and "enforcers", other operatives in the snakehead operations, such as solicitors, "fixers", drivers, etc are either placed into the chain or are lured into it. The driver Wacker who was tempted into driving as a "one-off" crime, was a known criminal, and was hired by a company set up specifically as a cover and for that particular operation. [4qm] [9cm][9cn] The key operative Ping and the translator Ying both were long-time operatives and had developed their roles from their fortuitous positions. [4qm][10ay][9cn]

6.A.295. The customer will have to endure typically a long, difficult, and uncomfortable if not dangerous journey out of China and to the target or third countries.[5k] The sea routes in particular can leave great psychological scars on the victims. [5k] A recent development has been the use of soft top containers with up to 13 people in a container, "roughly ten by 40 feet" [10fc]

6.A.296. Evidence given at the Wacker trial suggests Fujian to London snakehead-class is £17,000 for a six month journey. [10ba] There are indications that the cross Channel leg of a migration to the UK might be one of the more expensive options in transnational migration (Perry Wacker, the driver, was lured into driving by the fee of £500 per head). [9cr][10bb]

6.A.297. Snakehead clients / victims have indicated that once *en route*, there is no way of dropping out, that fear of violence and fear of detection is used to corral the victims, and victims are totally dependent upon snakeheads for further movement, moving as and when the snakehead tells them. [9cm] Groups of victims become commodities and are passed from gang to gang, often of non-Chinese members, the further west of Hungary the group is taken. [9cm] In the case of the Dover 60, the final leg of the journey was arranged by a gang of Dutch and Turkish criminals. The gang was tried in March-May 2001, and eight members were convicted of manslaughter and belonging to a criminal organisation involved in people trafficking; a further member of the gang was convicted of forgery. [9co][9cs]

On and after arrival

6.A.298. Snakeheads will use any form of extortion to secure payment if the entry is undetected, usually by holding the customer hostage in forced labour. [5l] In UK cases that came to court in October 1999, the screams of victims under torture were relayed to their families by phone, as 'reminders' of payment due. Accounts of intimidation, violence, rape and other crimes are well documented; though it is still unclear as to whether these extreme cases are typical. [3l]

6.A.299. There have been reports of increased debt collection crime from Hong Kong. This particular development has been linked to the economic downturn. There are no reports of this debt collection crime being in relation to illegal emigration. [4fm][3l]

6.A.300. The victims in some reports claim that the snakeheads grossly misled them as to how they would enter the UK [10az] and on the living conditions once in the country [9cm]. Many snakehead victims talk of having been misled about employment, money to be made, and general opportunities.

6.A.301. Both New York and London Chinatowns are held to be saturated with migrant workers. Those in work are usually bonded, and are faced with impossible debts to snakeheads. [5k][5l][5m][10ar][15g] Often part of the real price of using snakeheads is a great social cost: workers with spouses and children in China will invariably lose touch, with relationships destroyed by debt cycles and distance. [15h]

6.A.302. In terms of employment, Pieke characterises Chinese workers as remaining within Chinese-developed sectors of work, such as the leather and garments trade in Italy, import / export and retail in eastern Europe, garments in New York, and the Chinese restaurant trade everywhere. [19h] They rarely individually compete against non-Chinese; but different Chinese groups will compete against one another within these markets. [19h]

Asylum claims

6.A.303. The UK has a relatively high level of asylum claimants in relation to the EU but not necessarily a higher number of Chinese migrants, as the asylum system is one of two main entry / regularisation of status mechanisms used by the snakeheads (the other being student visas). [19h]

6.A.304. In accounts of the operations surrounding the Dover 60, once in the UK, Ying Guo was to act as a go between for the victims and various London solicitors, and was to furnish the Dover 60 with asylum claims, primarily that they belonged to the Falun Gong. [4qm][4qn] The involvement of solicitors in furnishing of information to, and the coaching of, claimants is left unclear. One report stated that 'there was no suggestion' that the firms of solicitors that Ying Guo had dealt with knew of her snakehead activities. [4qm] Legal firms 'had complained that they were overwhelmed by the numbers she brought to them with stories that they had been persecuted as members of the banned Falun Gong sect.' [4qn]

6.A.305. The fraudulent use of Falun Gong claims is a trend recognised by the US INS:-

"Four years ago, they [snakeheads behind fraudulent claimants to the US] used reasons such as the one child policy most often. Later on, they thought that was not too feasible... so they changed it to Falun Gong... Some of them [the victims posing as claimants] don't even know the meaning of political asylum. Nine out of ten cases, they are coached." (Jack Lin, US IND Asia Desk) [4qi]

6.A.306. The Chinese authorities have also talked about fraudulent claims, "illegal immigrants were adept at using 'hot button issues' to secure asylum, including Falun Gong claims. [4pk] The Chinese authorities in December 2001 also warned that many more Mainland citizens may well attempt to leave PRC as a consequence of China's entry into the WTO. They have opined that after the Dover deaths, illegal migrants and snakeheads were turning to developing counterfeit passports and visas rather than clandestine entry. [4uq]

OFFICIAL RESPONSES

Chinese Government responses

6.A.307. The act of exiting mainland China without permission is an offence. However, if this is the only unlawful act committed by the emigrant, then they are punished under Article 14 of *the Law of the People's Republic of China on the Exit and Entry of Citizens* (1981). They thus "may be given a warning or placed in detention for not more than ten days by a public security organ". [3i]

6.A.308. However an overlapping article, Article 322 (formerly Article 176) of the Criminal Procedure Law can be invoked for the same offence, and fines levied under Articles 52 and 53 of the same code. Fines are levied by local authorities and can vary. [3i] Legally, the standard fine should be between 1,000 and 5,000 *yuan* (£75 - £350) In 1993, one expert (Dr Chin) found fines to vary according to locality (eg. Changle City - 25,000 *yuan* (£1860) to Ping Tan - 6,000 *yuan* (£425)). Fines also varied on where the returnee had been returned from (eg. from Taiwan, the fine was between 5,000 - 8,000 *yuan* (£350 - £575) with Japan and the US commanding higher rates.) [3i]

6.A.309. One expert noted that the Chinese Government does not generally mistreat returnees, unless the person has been deported to China more than once. [3i] If a returnee is held to be involved as a snakehead, then they are charged under the Criminal Code and subject to the Criminal Procedure Law. [3i]

6.A.310. The Chinese authorities have reportedly stepped up a media campaign to heighten awareness of the dangers of people-smuggling. The messages to potential users of such agents include interviews with returnees, emphasising the atrocious conditions experienced by users when in transit. An example of facts presented and arguments put forward can be found in the transcript of a Central China TV news article, placed on the Canadian IRB website, document CHN34242.E. [3p]

6.A.311. In addition, 'Chinese media reports indicate that the central government in China, the Fujian provincial government and public security officials at both levels have publicly committed themselves to combating snakehead operations.' [3i] In June 1999, the Chinese press reported that 224 people smugglers had been arrested over the preceding 5 months. [3i] On 27 February 2001, Fujian authorities reported that in year 2000 they had arrested more than 400 snakeheads, with 98 cases sentenced. [4nw] The Chinese police have initiated a campaign against illegal migration, targeting Fujian, Guangdong, Zhejiang, Guangxi and northern Liaoning. [4af]

6.A.312. One report has talked of the central authorities putting pressure on the local Public Security Bureau to act. [9cl] The local police have announced 800 snakeheads have been arrested and 4000 would-be migrants "seized" in an unspecified period. [9cl]

The report anticipated further arrests during the Spring Festival of 2001 (April 2001). [9cl] Another report claims some of the arrest campaigns were largely cosmetic. [10bd]

6.A.313. The names of the 58 people who died were released and widely circulated through the UK Fujianese community, so that relatives and friends might come forward and receive help. [22p - gives a full list of names] In April 2001, the bodies of the 58 victims were returned to their families in PRC. [9cl] One report from Fujian has stated that the deaths of the Dover 58 have had little effect on diminishing the desire to emigrate in Changle. [10bd]

Other governments' responses

6.A.314. The European Union and PRC authorities have announced closer cooperation on snakehead issues, according to the Swedish Presidency of the EU, March 2001, with a joint publicity campaign in the planning stage. [4nx] The EU has announced in May 2002 that it will re-engage in readmission talks with the PRC, for a general readmission agreement. [4vx]

6.A.315. The UK trial held in April 2001 of Perry Wacker, a Dutch lorry driver, and of Ying Guo, a Chinese translator, has coloured in details about snakehead operations. Wacker was the driver of the lorry transporting the 60 stowaways involved in the events of Dover, 19 June 2000, that led to the death of 58 people. Ying Guo, a Chinese translator based in London, was charged with being a contact between illegal arrivals and various firms of London solicitors. [4qm] Other members of the same operation stood trial and were found guilty of people trafficking offences in May 2001 in the Netherlands. [9co][9cs]

6.A.316. The investigation of Cheng Chui Ping, a suspected trafficker based in New York city, started after her arrest at Chep Lap Kok airport, Hong Kong, in April 2000. It has brought to light a number of features of the US branch of snakehead activities starting from Fujian. [10ay] In June 2001, Hong Kong agreed to extradite Ping to the US, though when is still unclear. [9cp] In December 2001, Ping was held by judicial review to have run out of time for appealing against her extradition and will be extradited. [4ur][4us][4ut] Ping was involved in the smuggling operations surrounding the freighter "Golden Venture" which ran aground off New York on 3 June 1993, with the deaths of ten snakehead victims. [9ap][10ay]

6.A.317. In addition to the Canadian arrests on 14 January 2000, a US federal grand jury indicted two Chinese illegal immigrants arrested on 2 January 2000 as people smugglers. Both face up to 40 years' imprisonment each. [9k]

6.A.318. The US INS have been talking openly (in January 2001) with the Hong Kong SAR authorities with regards to people smuggling operations, where again they talked of nine out of ten claims being manufactured and fraudulent. [4pj]

Pieke / Skelton recommendations

6.A.319. Skelton in his final recommendations warns that a solution to irregular Chinese migration cannot be found if left to market forces alone. 'Border control, interdiction and all the operations of law enforcement (which, in a sense are the migration business operations of the state) still have critical roles to play in the attempts to suppress trafficking.' [19g] Pieke is more sanguine about market forces reducing emigration, but concurs with Ko-lin Chin that this is a long way off in the future, and inequality of employment reward is just too great to effect a reversal in the short term. [19h] Pieke also recognises that 'stepping up efforts to stem the tide of illegal immigration and reform of the asylum system are essential and overdue' but he goes further, adding 'but on their own will never be enough and will have to be matched by measures that increase the opportunities to migrate legally.' [19h]

6.A.320. Demand for cheap labour in potential destination countries is held by Skelton to be a key factor, with people-trafficking having grown up to service that demand. [19g] Pieke takes this further. He shows that the Chinese migration cannot be addressed through a special skills employment concession, as 'many immigrants actually work in jobs that require few skills, their chief selling point being low wages, ease of termination of employment and quite often a cultural and linguistic background similar to their employer.' [19h] Skelton also states that development programmes and other initiatives inside the country of origin are unlikely to be effective: '(they) are more likely to intensify than diminish the pressures to emigrate over the short term.' [19g] Both Pieke and Skelton therefore develop the line that by taking away the market by regularising it, 'a sufficient number of snakeheads (will) abandon their trade for something less risky and more profitable.' [19h]

6.A.321. Both commentators see greater participation and cooperation by all concerned parties (except snakeheads) as being crucial to developing a solution. [19g][19h] Pieke concludes that 'by building in a feedback mechanism, we might find a way to transcend the deadlock between the two traditional positions of either in favour or against immigration, while also avoiding the alternative of a quota-points system that mainly caters for short-term interests of the receiving country.' [19h] Skelton goes further and calls for 'the two objectives, to modify migration policy in the context of rapidly ageing societies, and the extension to migrant groups of protection and basic rights equal to those of citizens, are critical steps towards the elimination of the trafficking in human beings.' [19g]

6.A.322. At the moment (July 2002), at a rather banal level, market forces and greater information of conditions filtering back to PRC seems to be having some short-term effect. Reports are that London, Paris and New York Chinese communities have reached saturation point as far as employment goes. [4vy] Asylum claim figures show a drop, year on year, of 20 percent between 2000 and 2001, but such figures give little information as to actual flows of Chinese migrants. [25a] Some news agencies have referred to anti-terrorist operations within target countries as putting immigrants, both legal and illegal, under increased pressure within the wider societies. [18n] The example of Canada was cited in a January 2003 article, referring to increased diplomatic moves by the American authorities to tighten the Canada / US land border. [18n] The Canadian provincial Governments of Ottawa and Ontario have responded by building two "super-jails" for detention purposes. [18n]

RETURNS

6.A.323. The Chinese Government accepts the repatriation of citizens who have entered other countries or territories illegally. Returnees generally are fined. Those who have been repatriated a second time typically are sent to labour camp in addition to being fined again. Those who are identified as people smugglers are liable to criminal prosecution.[2a]

6.A.324. In January 2000, the Political Counsellor of the Canadian Embassy visited Fuzhou city in Fujian Province on a fact finding mission, to ascertain conditions of returnees, and allied general conditions of life in Fujian Province. All meetings were conducted in Mandarin. The Canadian Embassy's requests for access were fully granted, and the Political Counsellor was permitted one-to-one unsupervised meetings with villagers and returnees. [3r]

6.A.325. The main conclusion of the Political Counsellor's fact-finding report with regards to returning is:-

"There is evidence of wilful deception of foreign governments as to sanctions against returned illegal migrants. Much touted policies of prison sentences and extensive re-education programs are apparently mostly not implemented. Rather we have become aware of preferential economic policies and business loans made available to returnees by local governments. We are assured that children under 16 returned to China would not be subject to incarceration under any circumstances." [3r]

6.A.326. On the methodology of the Dr Charles Burton report, *Heaven is high, and the emperor far away*, (June 2000 - [3r]) Dr Burton has stated that he was not limited in any way as to who he was allowed to meet or where allowed to go, both in relation to rural villagers and returnees. He has native fluency in the Chinese language, and no trouble in communicating in the rural parts of Fujian visited. [3ap]

Returnees

6.A.327. The returnees referred to in the above report were returned from Japan and the US; Japanese returnees were interviewed. However, no actual detainees were interviewed as all had been, purportedly, speedily processed and returned to their homes on return. [3r]

6.A.328. The Canadian IRB issued an update on treatment of returnees in August 2000, following on from the Burton report of May 2000 ([3r]) [3ao]. A program analyst from Citizenship and Immigration, Canada, followed the 90 returnees deported from Canada in May 2000 [3ao][18l].

6.A.329. The CIC was told that minors are processed quickly and released into the custody of their families within a day of their arrival [3ao]. The prosecution and judging of cases is undertaken by the Procuratorate (*jiancha jiguan*). Detention is normal until the trial is over (previously given [in 3r] as being typically ten to twelve days.) [3ao]

6.A.330. One academic expert has added further details about returnee's treatment in Fujian province. Dr. Ko-lin Chen states that returnees are usually taken to the Border Patrol Education Camp, and questioned on how they were smuggled out of the country. Most are then fined between 10,000 and 20,000 Yuan [£700 - £1400] (*but see below*). Those who pay the fine are released immediately; non-payers are sent for "re-education through labour" for up to 1 year at the prison complex outside Mawei city, just outside Fuzhou city, Fujian. [3ao]

6.A.331. There is however a range of opinion on penalties. One report is that first offenders, of leaving without an exit permit and a Chinese passport, are typically given an administrative sentence of three months. [3ao] Most agree on around the 5000 Yuan mark [£350] for the first offence, with one expert saying such fines are rarely imposed in practice anyway, with another expert saying that usually 2 days' detention is imposed instead and added that the fine for a second offence as between 200 and 500 Yuan [£15 - £40]. [3ao]

6.A.332. On the question of threat from organised crime elements that may have funded emigrants' journeys, the experts consulted were of the opinion that there was no threat, with one expert adding that the snakeheads would be more likely to encourage returnees to try again as a business ploy. **[3ao]** (See above, *Development of trust*)

6.A.333. On the long-term repercussions for returnees the same group of experts were in agreement in the main that there were no long term repercussions (one expert had no evidence on the matter). There are no reports that returnees are treated differently depending on where they are returned to (e.g. Beijing or Fuzhou). **[3ao]**

6.A.334. The experts gave further information about different countries' return procedures and limitations on follow-up of returnees; they had no substantial information about minors and media coverage of returns. **[3ao]**

6.A.335. The Canadian Government in December 2001 was faced with a claim by a group of ten applicants, all minors, that Canada could not return them to PRC on the grounds that their anonymity had been compromised through surrounding media attention. **[4up]** Media and legal experts were concerned that free and fair reporting of such cases would be thus disallowed. **[4up]** In the initial case, a federal court in Montreal ruled that the group had to prove that the media attention had brought them to the attention of the PRC mainland authorities, but did grant appeal rights. **[4up]**

6.A.336. Background information to questions about minors and young adult returnees was posted on the Canadian IRB website, dated 22 March 2002. **[3br]** It considered the question of whether young adults, pressured to go abroad by their families, could go to other parts of PRC. It explained that within the context of the migratory culture outlined above (see above, *Motivations*) protestations have little basis in terms of a genuine fear of harm, and suggest that any possible social ridicule should not be a barrier to return. **[3br]**

6.A.337. The US held talks on 3 July 2000 with Beijing regarding the quicker return of intercepted Chinese migrants. **[18k]** The first batch of the 1999 sea-container illegal emigrants were flown from the US to Fuzhou city, Fujian Province on 8 January 2000. 246 individuals were returned. **[4fn]** Acceptance rate in US asylum cases by Chinese claimants is currently running at 13 percent in 1999 / 2000. **[18k]**

6.A.338. Past mass returns have included 101 returnees by the Australian authorities on 18 August 1999. **[15j]**

6.A.339. On 29 April 2000, Elinor Caplan visited Hong Kong to talk to port authorities about people-smuggling. Most of the container ships had sailed from Hong Kong, and the latest cases alarmed the Hong Kong SAR authorities to consider the matter. **[4gn]** Choy Ping-tai, the Deputy Director of Immigration in Hong Kong, said he wished to bring in the same level of control operating at the airport. **[4fj]** She called on mainland PRC to speed up documenting people for return to PRC, otherwise "the snakeheads will win, and that's unacceptable", which is still the message of the governments of all receiving countries. **[4gn]**

CHINA COUNTRY REPORT

OCTOBER 2003

COUNTRY INFORMATION & POLICY UNIT

6B HUMAN RIGHTS - SPECIFIC GROUPS

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6B. HUMAN RIGHTS - SPECIFIC GROUPS**Ethnic Minorities**

6.215. There are 55 officially recognised ethnic minorities with the PRC. Making up a combined total of 8.1 per cent of the population. The other 91.9 per cent are Han Chinese. **[1b.]** Of the minorities, 15 have over a million people each, 13 over 100,000, 7 over 50,000 each and 20 have fewer than 50,000 people each. The largest / most significant groups are listed below. **[16ae.]**

6.216. Most minority groups live in areas they have traditionally inhabited, with standards of living often well below the national average. Ethnic minorities generally do not populate the south and east of China, but there are isolated pockets of minorities throughout these areas. Various minorities are affected by local prejudice, but government policy is non-discriminatory, except for special treatment in some areas (e.g. looser family planning controls) According to the authorities, there are 2.4 million minority cadres. Many members of minorities occupy local leadership slots, and a few have positions of influence at the national level. However, in most areas, ethnic minorities are shut out of positions of real political power, while a tight control over separatist activities is maintained. Opposition to Communist Party rule in minority regions is met with force and heightened security measures. **[2b][6e][16af.]**

Ethnic Minorities (specific groups)**Zhuang / Chuang**

6.217. The largest ethnic minority in China, with 15.489 million people, the group is scarcely documented in English-language reports. **[16a][16j][16z]** Mainly located in Guangxi Zhuang Autonomous Region and throughout Yunnan province (south-west China). **[16z]** Indications are that the Zhuang are well integrated with the Han population of Yunnan and Guangxi provinces. **[16a]** The Zhuang are also heavily commingled with the other ethnic nationality groups of Yunnan and Guangxi, such as the Miao and Dong. **[16j]** Most Zhuang are peasants, still reliant upon agriculture as a way of life. **[16j][16z]**

6.218. Historically the Zhuang developed from a branch of the Yue people, who had a flourishing state of their own in ancient China. **[16z]** The Zhuang are known to use a number of other names to describe themselves and are held by the PRC central authorities to have a laudable tradition of revolutionary spirit; however, there are no reports of secessionist moves. **[16j]** Culturally, the Zhuang are very similar to the Han. **[16j]**

Hui (Huihui)

6.219. The second largest minority estimated at between 7.5 million and 8.6 million. **[16f][16p]** The Hui are spread throughout China, with a large community in and around Beijing. **[16p]**

6.220. Highly identified with Islam, they are also known as Chinese Muslims. **[16f]** In the early Communist period, officials continued the practice of referring to Islam as *hui jiao* - "faith of the Hui [people]". The Hui have now correctly been identified as a people in their own right. Most sources agree that the Hui are highly sinicised (Also see *Muslims*). **[5n]**

6.221. As part of their Islamic adherence, the Hui are known to abstain from pork, usually referring to this practice as living the *qing zhen* - "pure, clean life". Qur'anic Arabic is used during ritual, but has never been a common language for communication. There are loan words from central Asian languages that are unique to the Hui and unintelligible to Han, known as *Huihui hua*. **[5n]**

Miao (Hmong)

6.222. Known as the Hmong in Vietnam, the Miao people are spread throughout middle inland and southern inland China down to northern Vietnam. **[16b]** They number around 7.38 million people. **[16k]** Also known as Long Skirt Miao, the Short Skirt Miao, the Red Miao and the Black Miao, which may signify sub-grouping by region or geographical area. **[16y]**

Manchu

6.223. Currently estimates vary from 4 to 9.8 million. **[16e][16l]** Estimates vary so much because of the close integration of Manchus with the Han population. The Manchus inhabit the area of former Manchuria and adjacent provinces (Liaoning, Jilin, and Heilongjiang provinces, far north-east China.) **[16e]**

6.224. Since the fall of the last Chinese Dynasty in 1912, the Manchus have been completely sinicised: fully integrated and indistinguishable from the Han majority of Chinese society. **[16e]** There is a separate Manchu language and script, but Manchus are essential bilingual and bilateral in Standard Chinese. **[16i]**

Yi (Lolo)

6.225. Estimated at between 5.5 million people and 6.572 million. **[16q][16aa]** The Yis are can be found throughout Yunnan, Sichuan and Guizhou provinces (south-western China) **[16aa]** however they mainly inhabit the mountainous areas of south west China, primarily in the Liangshan Yi autonomous prefecture, Sichuan province. **[16d]** The Yi are made up many tribal groupings and have many names for themselves, primarily the Lolo, Nosu, Misa, Lasu, with the name Panduo used by the Yi to indicate the ethnic group as a whole (as opposed to the Han name of Yi). **[16aa]**

6.226. The Yi are primarily peasant farmers, who supplement their diet with hunting. They have literacy tradition (ancient Yi script) which upheld by the *bimo* (shaman priest) of the tribe. The Yi are keen to preserve the Yi language and script as a focal point of Yi culture. They wish to take on the autonomy offered by the PRC authorities, but are lacking in resources to do so effectively. **[20j]**

Tujia

6.227. The Tujia are an ethnic group of about 2.8 million people. **[16r]**

They occupy much the same range as the Northern Miao, namely central China, principally Hubei and Hunan provinces and are not only known to live side by side the Miao but also have traditions of intermarriage with them as well. **[16c][16r]**

Mongols

6.228. Mongols within China are primarily located in Nei Mongol (Inner Mongolia) Province, but also extend down through Xinjiang province (XUAR) on the extreme west to Yunnan province. They number approximately 2 million. **[16g][16m]**

6.229. Han have outnumbered Mongols in Inner Mongolia since the 1950s (8:1). Mongols suffered from violent persecution through the massive purges of the Cultural Revolution. During 1989, major protests occurred in Inner Mongolia as well as in other parts of China, leading to a number of arrests. **[3a]**

6.230. Affected by poor weather conditions that have swept across northern Asia in the years 2000 and 2001, the Mongols of both the Republic of Mongolia and of Nei Mongol province (Inner Mongolia) have been particularly hard hit as nomadic herders. **[9cg]** There is considerable crossing of the Mongolia / China border by herders: visas are not necessary for many Mongolian nationals to enter China. Chinese nationals do not require a visa if on official business, hold diplomatic or service passports, or travelling as part of an organised group on a group visa. **[3bb]**

6.231. Reports indicate that most separatist organisations agitating for Inner Mongolian independence have been heavily suppressed within Nei Mongol. There are reports from between 1994 and 1998 of arrests and suppression. **[3bc][3bd]** Buddhists in Huhhot, the regional capital, were under surveillance in 1993. **[3bd]** PRC has a bilateral arrangement with the Republic of Mongolia on returning PRC Inner Mongolian activists operating from the Republic. Inner Mongolians activists are now confined to groups such as the Inner Mongolian People's Party (IMPP) operating from Princeton, New Jersey, USA, with the IMPP chairman living in Germany. **[3ba]**

Uighurs (Uygurs)

History

6.232. The Uighurs are a Turkic people, numbering approximately 8 million and predominantly resident in the Xinjiang Uighur Autonomous Region of China (XUAR) **[13d.][11i]** With around 210,000 in neighbouring Kazakhstan and 45,000 in Kyrgyzstan. **[13d.][1b]**

6.233. The term "Uighur" is a bit of misnomer, with many different groups lumped together under the Uighur ethnic tag. **[18m]** As an ethnic group, the Uighurs are made up of a number of Turkic tribes, with "Uighur" being a comparatively recent term. **[16h][16n][16x]**

6.234. Supporters of Uighur self-determination (based abroad) trace the origins of the Uighurs back to the time of the Han Dynasty (202 B.C - 220 A.D). Pointing to the "emergence" of various Uighur Kingdoms which existed, intermittently from 774 to 1759 to

support their calls for independence from China. **[19i.]**

6.235. In 1949 the Republic of Eastern Turkmenistan was occupied by Chinese troops after a little over 1 years "independence". In 1955, the Xinjiang Uighur Autonomous Region of China (XUAR) was created **[19f.]** leading to the migration of Han Chinese, who now represent 37 per of the population (1997 figures). Uighurs make up 47 per cent of the population, with Kazakhs, Uzbeks, Krrgyzs, Tajiks and Mongols making up the remaining 16 per cent. **[11i]**

Han Migration

6.236. Han in-migration has been promoted since 1949. The main structure assisting migration was the Bingtuan, the Xinjiang Production and Construction Corps. The organisation was paramilitary in as much as it was initially based on forced conscripts from Han areas of PRC, as a pioneer corps. The institutional status of the Bingtuan was complex, described as a "Party-government-army" unit (dang zheng jun zuzhi). A further status was conferred on the Bingtuan in 1998, with the economic status of a corporation (jituan gongsi). The Bingtuan has an armed police corps (wujing) and a militia (minging). The Bingtuan manage hundreds of state farms engaged in large-scale production. In the early 1990s, the Bingtuan numbered 2.1 million members, with 2.4 million by 1997. The Bingtuan's autonomy has caused resentment with the provincial authorities. It is also heavily subsidised and is unprofitable. **[11i]**

6.237. Since 1990, the government has encouraged further Han influx under a set of policies colloquially known as "mixing sand" (chan shazi). The operations of the Bingtuan and other Han influxes have stirred up widespread resistance and resentment among the Uighur. The allocation of water resources is a particular area of conflict. There is also conflict between recent and established Han settlers (lao Xinjiang ren - "old Xinjiang people"). Education is also held be discriminatory: ethnic schools have seen funding fall, while schools offering a "regular education" (zhenggui jiaoyu) in Mandarin are increasing. Economic discrimination is also a feature of the region, since most good jobs require fluency in putonghua (Mandarin). **[11i][6m]**

6.238. On source, quoting from The Xinjiang Production and Construction Corp. estimated that a further 500,000 Han migrants were needed to work in its "numerous" farms and industries. (Report dated 5 August 2003). **[22cf.]**

The Rise of Nationalism

6.239. Nationalism in Xinjiang (XUAR) is a source of tension between the ethnic population and government. There have been a series of anti-Chinese demonstrations and riots in recent years. In 1998 the bombing and killing of policemen by separatists lead to a crackdown that involved the deaths of some protesters and massive arrests. **[1][2d][3a][6m]**

6.240 Since the collapse of the Soviet Union (1990s) Xinjiang (XUAR) has become of greater importance to Beijing, both economically and politically. Economically it remains one of China's poorest provinces; though the Uighurs of Xinjiang (XUAR) are considerably better off in material terms than their counterparts in Kazakhstan and Kyrgyzstan. **[13d.]** The central government has invested heavily in the area. Pursuing large-scale land reclamation for cotton growing (which as attracted criticism based on environmental grounds) and oil exploitation. **[11i]**

6.241. Politically, Xinjiang (XUAR) provides a buffer from the potentially destabilising influence of what was Soviet Central Asia. The government sees closer cooperation with these successor states, particularly over fighting terrorism as crucial to maintaining regional stability. **[12h]**

6.242. The PRC government is a founder member of an informal group of Central Asian countries. Since June 2001, this forum has been called the Shanghai Cooperation Organization, previously having been called the Shanghai Five (from inception in 1996 to June 2001). Uzbekistan joined in June 2001, other members being China, Kazakhstan, Kyrgyzstan, Tajikistan and Russia. A key focus for the group is the suppression of militant Islamic groups within the member countries. **[12h]**

6.243. As well as a growth in the Han population, Muslim groups have emerged from the Uighur misnaming, and have grown both in numbers and as a proportion of the population of Xinjiang. Such groups are more akin to the Chinese Muslim population, the Hui. **[18m]**

6.244. There has been a history of Uighur resistance since the Uighur government of 1945 to 1949 was pushed out by the Chinese People's Liberation Army (PLA): there is a "East Turkmenistan" movement in exile, operating from Turkey. **[12g]** However, one academic commentator has pointed out "a profoundly practical people, Uighur and regional leaders actually invited the People's Liberation Army (PLA) into the region after the defeat of the Nationalists in 1949". **[18m]**

6.245. Uighur resistance has been seen to show three main features since the early 1990s. Firstly, there has been protest and violent demonstrations, initially downplayed in official reports as sporadic, spontaneous protest by unorganised groups of Uighur

farmers (*tufa shijian* - "sudden incidents"). Secondly, numerous violent incidents over the 1990s: in 1998, Party sources indicated over 70 serious incidents, causing over 380 fatalities, occasionally incidents such as the Urumqi bombings (1997) receive international attention. Finally, the existence and agitation of Uighur nationalist groups outside PRC: China's diplomatic neutralising of their influence means that the groups are small and isolated, but possibly still influential. [11i][9aw][12g]

6.246. The Uighur are Sunni Muslims "practising Islamic traditions similar to their co-religionists in the region" and "Islam (has become) an important, but not exclusive, cultural marker of Uighur identity." Though portrayed by many in the region as united, Uighur continue to be divided along Sufi non-Sufi Muslim factions, territorial regions, linguistic differences, class (commoner-elite) divisions and political loyalties. [18m]

6.247. The case of Rebiya Kadeer, a wealthy Uighur businesswoman arrested on 11 August 1991 and sentenced (on 9 March 2000) to 8 years in prison for passing information to separatists outside the country. Has been taken up by a number of NGOs, most notably Amnesty International (AI), who continue to campaign for her release whilst questioning the motives behind her arrest and subsequent trial. [2g][6m][9aw][12g][20ad.][6am.]

6.248. NGOs, whilst recognising the right of the government of the PRC to protect its citizens from terrorist activity, have expressed concerns that the Chinese government is using 11 September (2001) as a pretext for targeting "ethnic separatists" in Xinjiang (XUAR). [6ak.][6aj.]

6.249. Religiously orientated groups in Xinjiang (XUAR) are very local (mainly in Kashgar and Hetian areas) and intermittent in their presence. Main groups include the Party of Allah and the Islamic Uighur Party, but no details are known about these groups. [12h] One report made reference to a sect, presumed to be Islamic, called Tebrik (in Chinese original, tai bi le ke) as an illegal organisation. Nothing else is known, currently, about this group either. [4so]

Koreans

6.250. There are sizeable communities of ethnic Koreans in Jilin, Liaoning and Heilongjiang provinces (all the provinces close to the Korean border). Ethnic Koreans have a distinct identity from the Han, using standard Korean as well as standard Chinese in both speech and in writing. They are primarily Buddhists. [16o]

North Koreans

6.251. The UNHCR over the past three years have monitored the plight of North Korean refugees in China. Reports of mass deportation [18c] and crackdowns [18d][18g] have come to light. The UNHCR has been pressing for the matter to receive international attention [18h][18d]. Amnesty International (AI) produced a report in December 2000, outlining the background, case histories, and urging China / North Korea to abandon reciprocal agreements and recognise and adhere to the principle of non-refoulement (due process in Asylum). [6v][18i]

6.252. In terms of granting asylum to refugees from other states, the Chinese authorities faced a difficult situation in June 2001, when seven North Korean nationals asked for asylum in South Korea by entering the UNHCR office in Beijing. [9cj] The situation brought the plight of North Koreans in PRC to the fore. [9cj] Likewise, 25 North Koreans evaded the Chinese police to seek sanctuary in the Spanish Embassy in Beijing in March 2002. [9eh] They were permitted permission to proceed to the Philippines to claim protection. [9eh]

6.253. In May 2002, another mass break-in occurred, when 5 North Koreans rushed into the Japanese consulate in Shenyang, Liaoning province. [9et] To the indignation of the Japanese, the Chinese police broke with international law and chased after the North Koreans within the compound. [9et] The Chinese police agreed two days later to release all of the North Koreans apprehended in that incident. [9eu] By 12 September 2002, 36 North Koreans from various embassies were flown to Seoul, South Korea, to bring the refugee total to over 100 flown out so far in 2002. [9fd] Beijing is however very worried about the trend of people seeking sanctuary and has ringed many embassies with police guards and other deterrents. [9et]

6.254. In June 2003, the Chinese ambassador to the UN, Liu Jianchao signalled a change of policy. When he confirmed in discussions with the UN High Commissioner for Refugees, Rudd Lubbers that it was not Beijing's policy to return North Korean asylum seekers to North Korea, unless they were criminals. The UNHCR welcomed this change and signalled its willingness to assist North Korean refugees within China in getting to their destination of choice. [13h.] In August 2003 Mr. Liu, in rebuffing criticism from the UN over the PRC's handling of North Koreans denied that there had been any change of policy. [13k.] That same month three South Koreans were arrested in Shanghai for assisting North Koreans to flee the country. [13j.]

She

6.255. The She are a group of 634,700 people located in the middle Chinese coastal provinces of Fujian, Zhejiang, but also in Jiangxi and Guangdong. **[16s]** The She also refer to themselves as Shan Ha and the Ha, working mainly as on the land. **[16v]**

6.256. Originally an aboriginal group (i.e. native to that location long before other ethnic groups), the She are held by most Chinese commentators to have lost their separate identity from the Han, akin to the sinification of the Manchus and Zhuang. **[5n]**

Uzbeks

6.257. The Uzbeks are a Turkic people, found in the Xinjiang Uighur Autonomous Region (XUAR). They number 14,000 and are representative of many central Asian peoples found in the extreme west of China, such as the Kazakhs, Tajiks, and Kirgizs. **[16w]**

6.258. Please note that "guo shan" simply means "hill people" and the phrase does not refer to an ethnic grouping as an identifiable tribe. Sources appear to indicate that the only time when "guo shan" or variants is of use, is in Taiwan, where the phrase is used by the Chinese population to describe the original indigenous peoples of Taiwan. The Gaoshan (alt. Kaoshan) of Taiwan are ethnically a historical mix of Indonesian and early Chinese peoples in an agriculturist village-based society. **[16ac]**

Tibetans

Summary

6.259. Like other minority ethnic groups, Tibetans receive nominal preferential treatment in marriage policy, university admission and employment. However in practice discrimination against Tibetans is widespread, especially in the area of employment. Central government policies, while helping to raise the economic living standards of many Tibetans, have encouraged a massive influx of Han Chinese into the capital Lhasa and other urban areas. Government determination to suppress all separatist activity has led to the violent repression of protest and the detention of numerous Tibetans. **[2g][6e]**

6.260. One source in July 2000 has claimed continuing ethnic unrest in Xinjiang (XUAR). Likewise, gross human rights abuses in Tibet (TAR), particularly against Tibetan Buddhists and nationalists. **[6t]** The US State Department acknowledges some improvements in its March 2003 report, however it still concludes that the authorities continue to commit "serious human rights abuses" and restricts the fundamental freedoms of ethnic Tibetans by imposing "repressive social and political controls." **[2g.]**

6.261. Poverty alleviation is seen as a key government goal. **[4kd]** In the first 6 months of 2003, 4.039bn yuan (481m US dollars) were invested in fixed assets (official government figures). **[9gak.]** The authorities consider this type of investment key to opening up Xizang province (Tibet) and raising the living standards for the people living there. **[4kd]**

Definition of Tibet

6.262. Tibet as an independent, sovereign state does not exist. In 1951, the Government of the PRC occupied about half the territory regarded as Tibet by Tibetans living outside Xizang province. **[2k.]** US State Department regards Tibet (defined as the Xizang Autonomous Region of China) to be part of the PRC but calls on the Chinese Government to respect and develop Tibet's unique culture, and uphold human rights. **[2g.]**

6.263. For the purpose of this report, "Tibet" is used as a loose term to cover the Tibetan Autonomous Region, and "Tibetan" to indicate those people who look to their Tibetan ethnicity as a defining feature. The use of "Tibet" as a term is not intended as an endorsement or otherwise of any territorial claim.

6.264. Sources of information on conditions in Tibet (TAR) are very limited. The area is closed to independent observers and most information in openly available sources is dependent upon Tibetans in exile campaigning organisations, namely the Tibetan Government in Exile **[25a][26b]** and the Tibet Information Network. **[25c-g]**

Brief History and Geography of Tibet

6.265. The total area of the Tibetan Autonomous Region (TAR) is 1.2m sq. km. Administratively Tibet is divided into one municipality and six prefectures. The municipality is Lhasa, while the six prefectures are Shigatse, Ngari, Lhaoka, Chamdo, Nakchu and Nyingtri (kongpo). It is predominantly mountainous, bordering Yunnan, Sichuan, Qinghai, and Xinjiang provinces within PRC and India, Nepal, Bhutan and Burma (Myanmar) internationally. **[1a][9gal.][9gam.]**

6.266. According to the 2002 Census the population of Tibet (TAR) was 2.62 million with ethnic Tibetans accounting for over 90 per cent of the population. **[9gam.]** However, these figures do not include Government personnel or temporary Han migrants now living in Tibet. **[2g]** Most Tibetan sub-tribes (the Upa, the Khampa and the Amdo) are willing to be identified as Tibetan. **[4vo]** **[25a]**

6.267. A senior official within the Tibetan government has denied Han migration will be permanent. He insisting that "The ration of ethnic groups in Tibet will not change dramatically," and that where population growth has occurred this has been natural, the result falling infant mortality rates and a rising birth rate. **[14i.]**

6.268. The modern history of Tibet began in 1904 with a British invasion (to thwart Russian colonial plans). In 1909 the Chinese Imperial Government invaded Kham, eastern Tibet, followed by Lhasa in 1910. The British intervened and the Tibetans repulsed the Chinese, leading to the 1914 Simla Convention. After 1920, the Tibetan rulers (the Lamas, a monarchical theocracy) pursued a policy of self-determination, leading to a neutral stance in the Second World War. Tensions between the Lamas escalated until the Panchen Lama requested Chinese protection in 1949, and the People's Liberation Army of Communist China invaded Tibet on 7 October 1950. **[25c]**

6.269. The Chinese consolidated their control in 1951, with the Tibetan authorities required to sign the 17-point agreement relinquishing independence. **[25c]** Chinese collectivisation of land in eastern Tibet, in the 1950s, provoked uprisings, culminating in a second Chinese invasion in 1959. In late March 1959, all local Tibetan government was dissolved and martial law was imposed. On 30 March 1959, the Dalai Lama sought political asylum in northern India. **[25d]** Tibetan rebels continue to operate from Mustang region until 1974, when guerrilla resistance effectively ceases, by order of the Dalai Lama. **[25d]**

6.270. Tibetan culture suffered greatly during the Chinese Cultural Revolution of the 1960s and 1970s, with the systematic destruction of 98 percent of Tibetan monasteries. In 1979, in an era of post-Mao reform, the Dalai Lama was invited to return to Lhasa (capital of Tibet) and duly sent a fact-finding mission to Tibet. The mission was enthusiastically received, spilling over into demonstrations for independence, which were quickly suppressed by the authorities. Martial law was lifted on 1 May 1990. However the Dalai Lama and the Chinese authorities have yet to engage in direct discussions over his return. **[25c]**

Current Conditions within Tibet (TAR)

Education

6.271. Education is mainly limited to primary level for most Tibetans, with Tibetan primary schools usually supplying only two or three years of education (the monasteries having hitherto been the mainstay of Tibetan education). **[2g]** Literacy rates are low amongst ethnic Tibetans, with 42 percent of the population in TAR illiterate or semi-literate. **[2g]** The official news agency reported that between 1998 to 2003, literacy amongst Tibetan women rose from 40 to 60 per cent. **[20bi.]**

6.272. Education is a key issue for Tibetans in the preservation of their cultural heritage. **[2k][25e][25f][25g]** The Chinese authorities have increasingly encourage the displacement of the Tibetan language as the written language and the medium of education, with ethnic Tibetans resentful that the majority of the students at the Tibet University (student body of 3000) are ethnic Han Chinese. **[2g]**

6.273. Tibetan exile sources have also pointed to a recent (dated February 2001) increase in an official suppression of religious expression in Tibetan middle and some primary schools, with outward expressions of faith such as wearing protection cords (*srung mdud*) specifically banned. **[25e]**

Women

6.274. While most prostitutes in Tibet are ethnic Han women, a "substantial" number of Tibetan's women are also employed in the hundreds of brothels, which operate with impunity in Lhasa. **[2g]** No information could be found on trafficking of Tibetan women or children for prostitution or associated sex industries.

6. 275. The Tibetan Women's Association is an exiled Tibetans' organisation working in Dharamsala and other parts of Northern India. **[3a]**

Children

6.276. Malnutrition and nutritional deficiency ailments are high in Tibetan children, particularly in rural areas. The government and NGOs have worked together in some areas to try and tackle this. **[2g]**

6.277. As one of the a recognised minority within the PRC Tibetans are entitled to preferential treatment in the area of birth control [2g], the annual growth rate between 1990 and 2000 was 1.72 per cent. [9gam.]

6.278. There are credible reports of minors being smuggled over the border to Dharamsala and Northern India, for a combination of reasons that include continuing their education in a culturally Tibetan environment and better economic prospects. [4b]

Healthcare

6.279. Chinese official sources stress the development of the healthcare sector as a benefit brought by Chinese investment to Tibet: '... there were only two hospitals in Tibet before the region's peaceful liberation in 1950, and the few doctors served only the ruling class and not the ordinary people. However, today (February 2001), a Medicare network consisting of more than 1,200 hospitals and staffed by over 10,300 medical professionals has been built over the region.' [4i]

6.280. Official figures for 1997 state there were 1,324 'medical and healthcare establishments' with 6,246 hospital beds and 10,929 healthcare personnel. With an additional 14 Tibetan traditional medical establishments. [4o]

6.281. In 1999, it was reported that from 1994, there has been a foreign-aided healthcare initiative to develop rural healthcare workers, known as *pendebas* in Tibetan. The *Pendeba* scheme has been reportedly a great success, with infant mortality down by 50 per cent in the villages where the 224 *pendebas* work. [4n]

Cultural Rights

6.282. The preservation of a distinctive Tibetan culture is a paramount issue in TAR. Lhasa has been progressively sinificated, so that now over half the population is Han Chinese, new buildings are in a Chinese architectural style, Chinese characters are used in commercial signs and Standard Modern Chinese is spoken widely. Likewise, regional and town governments are heavily influenced by central Chinese government policy and many positions of power and influence are held by ethnic Han settlers. [2g] In rural areas, however, Han influence is still held to be negligible. [2g]

6.283. The Tibetan Government in Exile in Dharamsala has consistently raised the concerted efforts of the Chinese Government to eradicate Tibetan culture, and many of its attached institutions in Dharamsala are expressly dedicated to retaining aspects of that culture. [3a][3b] The Chinese Government has objected to claims of attempting to bring Tibetan culture to "extinction", retorting along ideological lines, that the only extinction is of Tibetan ruling classes' influence and feudalism. [4m]

6.284. The Chinese Central Government makes great play of the amount of restoration and rebuilding of religiously significant sites damaged during the Cultural Revolution. [4m][2h] However, whilst acknowledging some improvements, the US State Department in its March 2003 reports concludes that 'repressive social and political controls continued to limit the fundamental freedoms of ethnic Tibetans and risked undermining Tibet's unique cultural, religious, and linguistic heritage.' [2g]

Current Issues

6.285. The economy of the Tibetan region is heavily subsidised by the Chinese central government and the productivity of other provinces of China. [2g][22cc.]

6.286. The Chinese government has pursued an economic policy designed to open up Tibet (TAR) and allow its natural resources (especially oil) to be exploited. They have invested heavily in infrastructure, such as new roads and railways. Which they claim not only encourage economic growth but also benefits indigenous Tibetans. [1a][2g][22cc.] Government grants and land deals have induced large numbers of Han and Hui (Chinese Muslims) to migrate to Tibet. [4i] Displacing the economic position of the Tibetans. [2g]

6.287. In 2001, Tibetan groups argue that the building in the main square of a monument to commemorate the "Chinese liberation" was a deliberate show of force by an occupying force. [1c][1d]

6.288. On 28 July 2003, delegates from the Australian government travelled to Tibet as part of the annual Australian China Human Rights Dialogue. The Australia Tibet Council (ATC) attacked the meeting for lacking in transparency (discussions were held behind closed doors) and of no practical benefit to ordinary Tibetans. They did however respond to the Australian Government's request for contributions to the agenda. [13o.][13p.]

The Lamas

6.289. The pre-Communist government of Tibet was a loose network of theocratic allegiances, whereby the pre-eminence of the Dalai Lama was accepted on the basis that the Panchen Lama, the "second" chief lama, balanced the appointment, and likewise, the Karmapa Lama "third in line" exerted a restraining influence. [2k] So, crudely put, the Dalai Lama approves the "finding" of a new Panchen Lama upon the death of the old lama; the existing Panchen Lama in turn seeks out the new Dalai Lama upon the Dalai Lama's death.

6.290. The current Dalai Lama has been in exile since 1959, and is a vocal opponent to the Chinese authorities and in turn has been singled out for vilification by the Chinese authorities. [2g] Photographs of the Dalai Lama can not be openly displayed or purchased within Tibet, though some monasteries and many individuals display photographs in private. [2g] In early 2001, neighbour committees in Lhasa started cracking down on such individual displays. [2k] The brother of the Dalai Lama, Jiale Dunzhu, was permitted in July 2002 to return to Tibet in a private capacity. [4j]

6.291. On 5 September 2003, the Dalai Lama gave an interview to the Guardian newspaper in which he reiterated his desire to return to Tibet and called on the Chinese government to grant Tibet genuine autonomy within the PRC. However he insisted that he would only return "without preconditions." [22cd.]

6.292. Envoys of the Dalai Lama was reported to have visited Beijing twice in last twelve months to discuss possible terms for his return. [22ce.] The British Foreign and Commonwealth office confirmed that date of the visits as September 2002 and May/June 2003 although they didn't comment on the nature of the discussions. [15ae.]

6.293. The Chinese authorities insist that the Dalai Lama must stop advocating independence and admit that Tibet and Taiwan are part of China. [4dq] They have also urged the US government not to allow the Dalai Lama to "engage in activities to split China" when in the United States. [9gao.]

6.294. The current position of the Panchen Lama is a key Tibetan issue. In 1995, Tibet (TAR) Government, at Chinese instigation, recognised and enthroned the boy Gyaltzen Norbu as the 11th instigation of the Panchen Lama, the previous Panchen Lama having died in 1989. This was in conflict with the Panchen Lama recognised by the Dalai Lama, the boy Gendun Choekyi Nyima. [2g] The authorities have denied that the Panchen Lama (Nyima) died in police custody, or was under house arrest. They assert that he is being safe and well and attends school as a normal boy. [3m] On 21 August 2003, the "official" Panchen Lama (Norbu) made a rare public appearance, visiting religious sites in Gansu province. [20bj.]

6.295. In January 2001, the Karmapa Lama, the third highest lama, fled to India. [1d][2k] His defection alarmed the Chinese authorities and may go some way to explaining the tight security around the Panchen Lama. [4gk]

6.296. The Chinese authorities are in custody of two other young children appointed as clerics. The Government approved the selection of 2 year-old Sonam Phuntsog on 16 January 2001 as the seventh reincarnation of the Reting Rinpoche (but not recognised as such by the Dalai lama or many of the Reting monastery clergy). [2k][2g] In the summer, 2001, the 7year-old Pawo Rinpoche, a leading Karma Kargyu figure after the Karmapa Lama, was taken by the authorities away from Lhasa to Nenang monastery. [2k][2g]

Demonstration and Protest

6.297. A ban on public demonstrations tightly enforced. There is very little by way of free speech and the Government strictly controls access to and information about Tibet. Traditional ceremonies and many public manifestations of belief are banned in urban areas. [2g]

Arrest, Detention and Prison Conditions

6.298. The actual nature of prison conditions is generally unknown. There is no access given to any international monitors and many allegations of torture are dependent upon descriptions given by refugees. The US State Department report for March 2003 makes reference to "the imprisonment and abuse of nuns and monks accused of political activity." But it's unclear whether abuse took place in prisons and or other institutions. [2g]

6.299. On 1 May 1998, the authorities in Drapchi prison ordered hundreds of prisoners to partake in a Chinese-flag raising ceremony. Two prisoners shouted slogans in support of the Dalai Lama, and chaos ensued with many prisoners suffering harsh beatings from their actions. Another ceremony was attempted on 4 May, again protest slogans were shouted, and the guards' reprisals were uncompromising, with one prisoner shot and another very badly beaten (both Buddhist monks). On 3 June, female prisoners (all Buddhist nuns) were forced to sing 'patriotic' songs, and when they refused, were tortured. In total, nine prisoners died as a direct result of the beatings suffered during and after the protests. [7b]

6.300. In January 2003, Ngawang Choephel's, a Tibetan musician imprisoned on spying charges in 1987 was released from prison early. In total he served six years of an 18-year sentence. NGOs and the US Government, into whose care he was released, welcomed his release. [7a][4e] During the last year (October 2002 to March 2003) the authorities have released a number of dissidents from prison early. [2g]

6.301. In January 2003, a court in China upheld the death sentence imposed on Tenzin Deleg Rinpoche, who along with two other men was convicted of carrying out a bombing campaign in support of Tibetan independence. On the 27 January 2003, Lobsang Dhondup, who was convicted along with Deleg and another man, was executed after losing his appeal. The third man, Luzzi Tashi Phumtsok, was released after serving just a few months of a seven-year sentence. The move was apparently in response to his deteriorating health. [14e.][14f.][10bk.]

6.302. The authorities have keen to stress in the Chinese domestic press that prison medical care in Tibet is reasonably good, with no recorded deaths from lack of medical attention. They have acknowledged though, that they are not as good as in other parts of the PRC. [4k]

Tibetan Refugees

Documentation in Tibet

6.303. The Chinese authorities regard Tibetans as citizens of the PRC for administrative purposes (so are issued with Chinese identity cards, *hukou* and other documentation). The Chinese Government will recognise Tibetans who have fled from Tibet (TAR) as Chinese citizens on the proviso that they have not obtained a second citizenship; China does not recognise dual nationality. In general, children acquire the citizenship of their parents and are considered Chinese citizens if their parents have not obtained another nationality status. However, many Tibetans do not regard themselves as being Chinese citizens, but as refugees from an invading force, they are nevertheless considered Chinese citizens for practical purposes by the international community [3bv]

6.304. Tibetans who have applied for documentation from the Government in Exile, particularly the Green Book, may be persecuted by the Chinese authorities if they were to return to Tibet (TAR) and have the document found upon them. [3bs]

Exiting Tibet

6.305. Exit documentation in the form of Chinese passports is available and is respected as a legal exit by the Chinese authorities. Chinese passports are, however, very difficult to obtain. [2g]

6.306. In terms of illegal exit, the main routes out of Tibet are through mountain passes. The crossing from Tibet to Nepal is described as 'dangerous' [6h] while, to both Nepal and northern India, "the path is littered with risk" [4b] The Karmapa Lama, a 16 year-old, managed to walk over the mountains from Tibet into northern India, though he was in poor physical shape afterwards. [7c] Other minors have given similar accounts of arduous journeys on foot, with "days without water or food". [4b] Often escapes are effected during the winter months, as border patrols are fewer, but with increased risk from hazardous weather conditions. [6h] Other sources talk of difficulties with Nepalese border guards, including bribery and instances of non-admittance. [6j]

6.307. No information could be found about organised people-smuggling operations. Most reports hint at family / village / altruistic local contacts as agents, with refugees keeping in touch with family in Tibet (TAR) through 'messengers who shuttle across the border on the sly.' [4b]

Movement outside Tibet

6.308. Most escapees from Tibet (TAR) go to either Nepal or India initially. Most Tibetans who proceed to European or American destinations travel from northern India. Most new arrivals from Tibet (TAR) go to northern India, with the Nepalese community being primarily second and third generation refugees. [6h]

Tibetan Diaspora

6.309. There are approximately 4.6 million ethnic Tibetans within the PRC [1b] roughly half of who live within the Tibetan Autonomous Region (TAR). [9gam.][2g]

Nepal

6.310. The number of Tibetans in Nepal is estimated at between 18,000 and 20,000 people. Most are second or third generation descendants of refugees exiled in the 1950s. **[6h][2k]**

6.311. The Government of Nepal officially does not return Tibetan refugees to Tibet (TAR). The Nepalese Government permits the Office of Tibet to run reception centres and allied facilities. **[6h]** The short-lived Communist government of 1995 did return Tibetan refugees to the PRC, however this policy was revoked after its fall. **[6j]** Amnesty International (AI) has expressed concern about the "forcible" return of 18 Tibetan asylum seekers on 31 May 2003. **[6ai.]**

6.312. Some Nepalese border guards have, illegally, demanded bribes from Tibetan refugees; there may also be a number of unofficial returns, with questions raised by NGOs in 1997 over alleged returns totalling 50 refugees. **[6h]** The questionable status of Tibetan refugees in Nepal, and Nepal's refusal of citizenship, is referred to by some sources as a continuing worry to the Tibetan community. **[6h]**

6.313. Tibetan refugees in Nepal are known to buy false Nepalese passports, as a means of quickly exiting the country. **[3bs]**

Bhutan

6.314. No information has been found with regards to Tibetan refugees in Bhutan. Bhutan is unlikely to be a preferred destination given the Bhutanese attitude to other minorities, such as Bhutan's ethnic Nepalese. The Bhutanese are technically an ethnically related race to the Tibetans. The Tibetan Government in Exile website does however mention a figure of 1,500 Tibetans in Bhutan. **[3a]**

India, particularly Northern India

6.315. Reports as to the size of the Tibetan community in India vary from 100,000 to 130,000. **[4b][6f][3a]**

6.316. Generally the exiled Tibetans have been accepted within India, with the Government taking a flexible approach to the refugees. **[6f]** During the 1950s, 60s and 70s, India had an excellent record of accepting Tibetan refugees. Technically, India no longer admits new arrivals from Tibet, as part of policy to develop better relations with China. However, in practice new arrivals have been able to find ways around this. **[3bs]**

6.317. All Tibetan residents in India, over 18 years old, are obliged to obtain an 'RC' - Residential Certificate. This certificate has to be renewed each year. **[3bs]**

6.318. In order to travel, resident non-Indians have to be granted an 'IC' - an Identity Certificate, and to travel abroad an IC with 'NORI' - No Objection to Return to India - needs to be obtained. **[3bs]** An IC will take a couple of months to obtain, while an IC with NORI certification will take longer. Both may be hastened or granted upon receipt of bribes. **[3bs]**

6.319. Generally, Indian citizenship is not available to Tibetan refugees. **[6e]** There are however some exceptions to this rule, whereby second-generation Tibetans who are born in India may apply for Indian nationality. **[6e]** Some sources, however, suggest that there are no formal barriers to Tibetan refugees *applying* for nationality, as with all other foreign residents, but the application is likely to be refused. **[6e][6f][6g]**

Tibetan Government in Exile, Dharamsala

6.320. The community in Dharamsala, in the Kangra Valley, dates from 1960, when the Indian Prime Minister, Jawaharlal Nehru, offered refuge to the Dalai Lama's entourage. **[3a]** From a very small abandoned hill station, the area has grown into a community of about 80,000 Tibetans who regard it as their 'second' home. **[3a]**

6.321. The Tibetan Government in Exile is run from Dharamsala. The nature of the Government is based on a democratic model, with Tibetans permitted to vote, irrespective of where they live, if they have a fully paid-up Green Book. (See below) **[4c][3bs]** The offices of the government are varied and numerous **[3a]**, but the attendant businesses set up to employ Tibetan refugees and fund the Government in Exile are not paying their way. **[1e]**

6.322. The Government in Exile has a role in external representation, with the Dalai Lama personally taking on an ambassadorial role. **[4f][4c]** The Dalai Lama has softened his demands for total independence for Tibet to a position of demanding "true" autonomy for Tibetans in the running of the Chinese province, and a genuine respect for Tibetan cultural traditions. **[2k]**

6.323. 2,319 refugees were received in year 2000, including 397 minors. **[4b]** At the reception centres in Dharamsala, refugees

are given a letter of reception for all "new" arrivals, that is all arrivals post-1980. [3bs] The Office of Tibet and the Tibetan reception centre in Kathmandu also register the Tibetan refugees who pass through their system. [3bs]

6.324. The Green Book is a document produced by the Government in Exile in Dharamsala since 1971 for two purposes "as [a] show of solidarity and to financially support the Tibetan Government in Exile in meeting its various expenses." [6b] It is called the Green Book because of its dark green protective jacket. [3bs]

UK Tibetan Issues

6.25. London is a key centre of Tibetan campaigning, with the Free Tibet Campaign and the US-based International Campaign for Tibet campaigning alongside environmental groups over multinational companies' infrastructure projects in Tibet.

Women

Summary

6.326. Article 48 of the 1982 Constitution states that "Women in the PRC enjoy equal rights with men in all spheres of life, political, economic, cultural and social, including family life. The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women." The Communist regime has consistently articulated the ideal of gender equality and has enacted a series of laws to protect women's rights. However, the persistence of traditional views on the position of women, the government's family planning policies, the preference for sons and the economic reform programme are obstacles to the effective application of these laws. [3c]

Abduction

6.327. The abduction and sale of women (ingrained in Chinese society before 1949) remains widespread in China. In some areas, particularly in remote rural ones, the growing shortage of women, the cost of betrothal gifts and the economic reform programme have exacerbated it. The authorities have consistently condemned the practice of the abduction and sale of women. In 1991 tougher penalties were enacted, imposing sentences of between 10 years in prison and death for gang leaders, up to 3 years in prison for those who buy women and children, and 2-7 years in prison for government cadres who obstruct rescue attempts. Campaigns to catch and convict those involved in the abduction of women are regularly organised. [3c][10o] In 1999, police claimed that they had rescued 23,000 women and 4,260 children who were kidnapped, broke up 8,000 kidnapping gangs, and arrested 26,000 people between 1996 and 1998. [4ag]

6.328. The trafficking of women, for the sex trade, and children for adoption rackets has increased in year 2000 [4km][4kp], while for the year 2002, it was estimated that between 4 to 10 million women worked in the sex industry. [2g]

6.329. In August 2003 the official news agency (Xinhua) reported that the ringleader of a gang convicted of kidnapping and selling 50 babies to childless couples had been sentenced to life imprisonment by court in Yunnan province. Interestingly only one of the babies was a boy. [20at.]

Marriage

6.330. New rules simplifying arrangements for couples wishing to marry came into force on 1 October 2003. Under these new arrangements only identification cards and residence ('hukou') booklets will be needed when applying for permission to get married. This will also apply to couples wishing to divorce. Before 1 October (2003), couples were required to present stamped documents from their employers (or from the neighbourhood committee if they are unemployed) to prove their unmarried status. Couples will also no longer be forced to take a health examination, although the marriage may be declared invalid if either of them are subsequently found to have a medical condition, which under law would preclude them from marrying, for example insanity. [20au.] Couples with HIV/AIDS will be allowed to marry under these regulations but same sex marriages are not permitted. [20av.]

6.331. Information on what additional documentation is required for foreigners whether wishing to marry citizens of the PRC or vice versa can be obtained via the US Embassy in Beijing <http://www.usembassy-china.org.cn/>

6.332. The local civil affairs office (minzhengju) administers marriage registration procedures. [15i]

Divorce

6.333. It is relatively easy for a woman to get a divorce under China's Marriage Law (1980). Women, however, may be discouraged from applying for a divorce because of the housing shortage in China. During marriage women usually live in a house belonging to their husbands' work unit. After divorce, if a woman's own unit does not assign her a house, she is forced to seek housing with family and friends. **[3c][20au.]**

All China Women's Federation

6.34. The government-sponsored All China Women's Federation (ACWF) plays a key role in promoting and safeguarding women's rights and interests. Founded in 1949, it's the largest women's organisation in China with branches at every government level and 89,000 specialists working with women. Since 1980, the ACWF has sponsored a nationwide effort to develop family planning education, including counselling services. The organisation actively protests cases in which women are discriminated against by the hiring practices of companies and factories. Women's protection committees, medical schemes, domestic abuse hotlines and emergency centres have been set up in some areas. **[3c][7g][4p]**

6.35. According to one academic the ACWF has begun to redefine itself as an advocate of women's political representation, which is held to be falling as the pace of economic reform has increased reducing the earlier emphasis on their political participation. **[20aw.]**

6.36. The Ninth National Women's Congress of China was held in Beijing from 22 - 26 August 2003. More than 1,300 delegates attended the conference including Vice Premier Wu Yi. Delegates discussed a number of issues such as domestic violence, increased employment rights and eliminating gender disparity in education. They also vowed to increase the number of women cadres and improve literacy rates amongst rural women. **[20ax.][20ay.][20az]**

Family Planning Policies ("One Child Policy")

Policy

6.337. On the 1 September 2002, the National Law on Family Planning was enacted. This law signalled a move away from a rigid adherence to the mantra of "one child" per couple and towards a more flexible approach, emphasising social compensation fees (fines) over more the extreme measures of the past. (See below)**[3cp.]**

6.338. Since the 1970s the government has implemented a range of family planning policies popularly known as the "one child policy". **[3a]** This has the aim of reducing pressures on the country's resources by controlling the rate of population growth. The policy consists of four basic components, fewer births, later marriage, later childbearing and eugenic births. While the general government continues to set annual (nationwide) targets for population growth interpretation and implementation is left to provincial regulators to adapt according to local conditions. **[3d][3a]**

6.339. The central government has been responsible for initiating the policy and for setting an annual nationwide target for population growth via the State Planning Commission (SPC). Interpretation and implementation are left to provincial and municipal regulators to adapt according to local conditions. Family planning is regarded as great success by the government **[3d][3a]**, though they have acknowledged some shortcomings in relation to gender imbalance **[9gad.]** Statistics are given to support a population slow-down of 300 million with attendant resource implications. **[4bh]**

6.340. In July 2002, the United States dropped its financial support for UN funded programmes in China. On the grounds that they were lending legitimacy to the government's existing family planning policies. Opponents of the cuts abused the US Administration of pandering to the powerful anti-abortion lobby in the United States. **[9fi]**

6.341. The Chinese policy provides for minimum marriage ages for men (22) and women (20), an "encouraged minimum child-bearing age (24), the widespread promotion of birth control and abortion and for one child per-couple except in certain circumstances. It is implemented through education, propaganda and a combination of incentives, such as health subsidies and financial bonuses, and disincentives, such as additional taxes and legal discrimination. **[3c][3a][5f]**

6.342. The one-child policy not only restricts the number of births and their timing, but is also based on eugenics. Government representatives will often make references to maintaining population "quality". Women with identified hereditary conditions can face forced abortions. **[3ad]**

Implementation of Policy

6.343. There are regional and urban / rural differences in the implementation of the family planning regulations. **[3m]** Prior to 1998, urban couples seldom obtained permission to have a second child, although urban couples who were 'only' children themselves (i.e. had no siblings) were allowed to have two children. The decline in the influence of urban work units is held to have had a positive affect on the likelihood of urban couples receiving permission to have another child. **[3ad]**

6.344. Since 1999, there have been signs that the Government is beginning to relax its policies for certain groups. **[2e]** Exceptions are allowed for many of the 70 per cent of Han who live in rural areas (some provinces' permit 100 per cent of their rural Han population to have two children). Ethnic minorities are subject to much less stringent population controls, and in some rural areas are permitted to have four children. In 1998, Fujian province allowed remarried couples to have one more child if the sum of the children from previous marriages did not exceed two. **[2b][2d][3m]**

6.345. On 8 August 2003, the official news agency (Xinhua) reported that Beijing municipality was easing its local birth control policy. From 1 September 2003 it would be easier for 9 "special groups" of families to have a second child. These included couples who had a disabled first child, who were the only children of their respective families and currently only had one child, and remarried couples who only had one child. **[14m.]**

6.346. Disciplinary measures against those who violate the policy include fines, withholding of social services, demotion and other administrative punishments that sometimes result in loss of employment. **[2a][3a][3c]** Levels of fines vary by region; in Shanghai, the fine for violating birth quotas is three times the combined annual salary of the parents, while in Zhejiang province it's 20 per cent of the parents' salary paid over 5 years. Unpaid fines have sometimes resulted in confiscation or destruction of homes and personal property by local authorities. **[2d]**

6.347. Each work unit (factory, office, village etc.) is allocated a target of 'authorised' births for the following two or three years. The effect of these targets can be to regulate not only the number of births per couple, but also the timing of births. The government opposes the use of force or coercion in implementing family planning regulations, but the imposition of penalties on local officials failing to meet the targets of the birth quota system puts them under intense pressure. **[3d]** On the 1 January 1999, new national regulations on "methods of management of family planning among the floating population" came into force. They put the onus on employing workplace units to ensure that the policy was carried out. **[3ad]**

6.348. Women with unauthorised pregnancies used to be placed under extreme psychological pressure to take "remedial measures" from other members of their work units and in ideological work sessions with family planning agents. **[3d][2a]** Neighbourhood committees still carry out promotion of the one-child policy. Now, however, there is a programme of encouragement and free contraception rather than fining, informing and crude enforcement. **[4bg]**

6.349. Revision of policy has been mentioned over the latter part of year 2000. In September 2000, official news reports hinted at a drive to reinforce implementation of the policy as it stands. **[9aq]** By December 2000, the central government authorities announced targets for five year, ten year and fifty year periods, in a white paper. The minister in charge of the State Family Planning Commission, Zhang Weiqing, has announced that local regulations will be brought together under one national body of legislation, as will all the apparatus of the policy's implementation, such as local agencies and local regulations. **[4kr][21c]** Commentators have inferred from Zhang's presentation that there will be changes to enforcement practices, with emphasis upon incentives rather than proscriptions. **[15f]**

Documentation

6.350. The Division Director, Department of International Cooperation of the Chinese State Family Planning Commission has clarified which organisation issues which documentation in China. "Certificates" for sterilisation, abortion, and insertion of IUD are issued by family planning clinics and hospitals. They are not standardised and used to ensure paid leave from work. "One child certificates" are issued by the neighbourhood community committee, township government or mother's workplace unit. **[3s]** Selling on and forgery of family documents occurs and is subject to a 1,000 yuan fine. **[3ad]**

Actual Implementation and Practice

6.351. Government officials have acknowledged that there have been instances of forced abortions and sterilisations, while there are anecdotal accounts of raids on rural villages by task forces rounding up women for forced sterilisation or abortion. **[3d][17b]** The 1989 Administrative Procedure Law, enacted in October 1990, allows citizens to sue family planning officials for misdeeds. **[3d]** In Fujian province, for example there are at least four channels of appeal existing for complains of excesses by local officials. **[3n]**

Fujian Province

6.352. Claims that women in Fujian province who missed quarterly (gynaecological) examinations on two successive occasions were forcibly sterilised. And that women who became pregnant before the permitted age or time were subjected to fines, abortion and sterilisation were presented before the United States Committee on International Relations (House of Representatives) in June 1998. Other than the testimony of the Committee's key witness, Gao Xiao Duan, a former Chinese State Family Planning Commission official, the Committee could not find any other reliable evidence to verify these claims. **[3ad]** Experts contacted by the Canadian IRB concluded that "scenarios such as those described in Miss Gao's testimony were increasingly improbable in the late 1990s." (Dr Edwin Winckler, East Asia Institute, Columbia University) **[3n]** The (Chinese) State Family Planning Commission was also denied that the practices described by Miss Gao occurred in Fujian. **[3n]**

6.353. For differing reasons, most authorities agree that Fujian province is lax in implementing the birth control policies. The authorities work by incentive schemes rather than coercion, with forced abortion and sterilisation no longer tolerated and efforts to increase the professionalism of family planning workers. Enforcement of sanctions has proved ineffective; one third of families have three children or more. **[3ad][3r]**

6.354. Fines are held to be "social subsidy fees" by the Fujian authorities to offset the extra social costs of extra, 'out of plan' children. Typically, the parents of 'out-of-plan' children were fined 60 -100 per cent of the family's annual income. The authorities noted that extracting such fines from villagers was difficult. **[3r]**

6.355. In September 2000, in Hubei province, authorities promised to punish family planning officials after the murder of an infant in front of his parents in Wuhan; the child was the couple's fourth child. The case sparked a nationwide examination of provincial family planning bureau practices. **[9ap]**

6.356. Zhang Weiqing, director of the State Family Planning Commission, confirmed the prosecution of the three (Wuhan) officials in December 2000. He also announced that family planning officers were undergoing a massive re-education programme, with incentives being made to be the main plank of family planning policies in the future. **[15f]**

6.357. Chinese women are averaging over two births each. In the larger cities, many people would opt to have only one child without government pressure, for economic and employment reasons. Those less reliant on the benefits of the work unit, such as transient workers and farmers in remote rural areas are typically able to have two or more children. **[3d][9a][2c]** Official figures from a 1995 survey indicated that 25 per cent of women of childbearing age have 3 or more children. **[2d]**

6.358. Uighurs and other ethnic groups have long standing worries about the PRC family planning regulations, even though such birth control regulations are relaxed for ethnic minorities. **[9av]**

Female Infanticide

6.359. The "one child policy" has been seen to exacerbate the traditional preference for male children, and after three decades of operation, demographic imbalances and anomalies have emerged. **[4go - 4gq]**

6.360. The gender imbalance in China is beginning to cause concern for policy makers, and even official figures (2000) show an imbalance of 100 / 116 in favour of boys. **[9gad.]** In 1999 it was estimated that 50 million women were "missing" from the population. **[19c]** There is no consensus on the scale of female infanticide in China, indeed many commentators point to the under reporting of female births and abandonment into state orphanages as an explanation as to the 'whereabouts' of China's "missing" women. **[19c]**

6.361. The traditional preference for a male child has helped to increase the gender imbalance, with abortion on the basis of sex (determined by an illegal ultrasound scan) and wilful neglect (including withholding medical care) exacerbating the trend. Female and male child trafficking has increased in China in response to such pressures. **[2e][2g][4gp][4gq]**

'Black Children'

6.362. Children born outside the permitted birth plan of a couple are known in China, colloquially, as 'black children' (hei haizi). A case in the High Court of Australia in April 2000 **[15d][18e]** led to a ruling that such children may be considered a social group under the 1951 Convention, and discussed in an inquiry into Australia's refugee program, in the Australian Senate. The Australian Department of Foreign Affairs and Trade report in follow up reported that "black children" was not an official PRC term, but if meant in terms of identifying colloquially children born in excess or outside birth control policy, then it was used as a term of identification. **[15b]** Any problems with officials over non-registered status that would logically be the case are, in practice, rarely meaningfully enforced, with the situation being particularly unclear in rural areas. **[15b]** The question of lack of registration limiting access to services such as health and education is misleading: health services in rural areas have never been free of charge; likewise education is increasingly fee-paying at all levels. Such services are accessible upon payment. **[15b]** The (PRC) State

Council has stated that unregistered children will be registered unconditionally as part of the fifth national census in January 2001. [15c]

Children

6.363. The 1992 Law on the Protection of Juveniles forbids infanticide, as well as mistreatment or abandonment of children. Physical abuse of children can be grounds for criminal prosecution. The Constitution provides for 9 years of compulsory education. [2d]

Child Care Arrangements

6.364. A number of children are abandoned each year, despite the penalty under law of fines and 5 years in prison. Most of the children in orphanages are female although some are disabled or in poor health. The treatment of children in these institutions varies from adequate to deplorable. Infant mortality rates appear to be very high. Bureaucratic indifference and corruption on the part of orphanage administrators appear to be significant factors in such cases. [2d]

6.365. The term "orphanage" lacks clarity within China. Nevertheless information published in 1995 (relating to 1993) identifies three types of institutions, which can loosely be called orphanages. [12e]

6.366. The main type of institution for all sorts of conditions and categories of people needing institutional care is the Social Welfare Institution (*shehui fuliyuan*). Run by the Ministry of Civil affairs, these general-purpose institutions were still (in early 1990s) the mainstay of the institutionalised welfare system. They were characterised by large scale institutes accepting where possible "self-paying" inmates and gaining revenues from inmates' productive labour, that fanned out to smaller associate institutions more closely linked (and dependent) upon local communities. In 1992, according to official figures, there were 950 such institutes within the PRC; 43 were in Fujian province, housing 80.9 per cent of Fujian's institutionalised minors. [12e]

6.367. The Chinese authorities have had a long-term aim (since 1956) to segregate groups needing institutional care. Child Welfare Institutions (*ertong fuliyuan*) have been introduced, but have developed unevenly. They are located mainly in the more progressive regions; in 1993, eight provinces / autonomous regions did not possess such an institution: Fujian province had 2, taking 19.1 per cent of total institutionalised minors in Fujian. In Beijing and Shanghai, the percentage of minors in Child Welfare Institutions was 99.2 per cent and 94.5 per cent respectively in 1993. [12e]

6.368. The Child Welfare Institutions have been criticised for employing discriminatory levels of care, leaving female infants to perish from neglect in the "dying rooms". [12e]

6.369. More effort has been put into the segregation of mentally ill inmates. The development of Psychiatric Welfare Institutions (*jingshenbingren fuliyuan*) has meant that at the end of 1992, there were 129 psychiatric welfare institutions as opposed to 67 Child welfare Institutions. Nationally 327 minors were confined to the psychiatric institutes. [12e]

6.370. The official 1993 figures account for only 17,000 orphans; the source states that other official statistics hint that the figure is nearer 80,000, with over 60,000 being rural orphans mixed into locally run and financed "respecting-the-aged" homes i.e. old people's homes. However, the source doubts the accounting of orphans by this explanation and argues there are orphans who are unaccounted for, or worse, the mortality rate of infants in orphanages accounts for the discrepancies. [12e]

Adoption

6.371. The 1991 Adoption Law regulates adoption. This law used to make adoption very difficult in terms of PRC couples adoption of institutionalised infants, but promoted the adoption of children by Chinese living abroad. In-country adoption was limited to childless couples aged over 35 years old, and from the stock of *gu'er*, namely children whose natural parents are dead. An adoption was treated as part of a couple's birth plan regime. [12e] These regulations were relaxed in 1999, to allow the adoption of more than one orphan. [3n]

6.372. Out-of-country adoption was and continues to be very liberal; allowing adoption by single adults as much as by married couples. [3n] This aspect of the adoption regulations has been so loose as to attract traffickers dealing in babies for export. In 1999, controversy broke out in Australia over the flow of babies from the PRC to Australian recipients. [4gr - 4gv]

Homosexuals

6.373. Laws criminalising homosexuality in China were repealed in 1992. Although sporadic instances of police harassment against homosexuals continue to occur, this reflects traditional social taboos and homophobia rather than systematic official

harassment. Gay and lesbian groups, like other social organisations, are monitored for possible political activities. [2a] Same sex marriages are not permitted. (See *Women, Marriage* for more details) [20av.]

6.374. A legal loophole allowed the acquittal of a homosexual brothel owner, and the source states that discreet homosexual bars and clubs exist in the largest cities, with the tacit agreement of local police. [10aa] A March 2002 IRB report states that there are conflicting reports as to whether police do or do not prosecute gay clubs or gay club patrons: the later reports indicate a discrete gay scene is tolerated in the larger cities. [3cd]

6.375. In March 2001, PRC authorities, through the Chinese Psychiatric Association, announced that homosexuality was no longer to be classed as a psychiatric disorder, but part of a "normal life". [10as]

6.376. Homosexuality is known by the phrase *tong xing lian* - "same sex love". A 1998 report, by the International Lesbian and Gay Association, indicates that the gay community is still covert and loosely organised, with the lesbian community even less apparent. [22r]

6.C Human Rights - Other Issues

International Relations (including Taiwan)

Other Countries in Relation to Human Rights Issues

6.377. On 8 May 1999, Nato forces bombed China's Embassy in Belgrade on, killing three Chinese citizens. Nato described the attack as a tragic mistake. Chinese authorities and the public were out raged. A number of anti-western demonstrations were held in major Chinese cities, condoned and encouraged by the authorities during the following days, after which the authorities called for stability and the protests ceased. [4ac][4ad][4ae] The US paid \$4.5 million in compensation. [4at]

6.378. President Jiang Zemin (1993 - 2003) visited several western countries in October 1999. During the UK visit, there was criticism in the media over the limiting of protest in the direct sight of the Chinese delegation, and after the visit, over the police handling of protest. [10ac][10aj][10ae][10ai] The Chinese foreign ministry warned the UK government not to let the human rights issues overshadow the state visit. The UK government answered its domestic critics by insisting that such issues were on the agenda for private talks, and that it wished to pursue a policy of quiet diplomacy. The UK press was sceptical of the efficacy of noisy protest and private diplomacy in approximately equal measure. [10ac][10ae] Most major human rights organisations with an interest in PRC put out press statements and reports to remind the media of their agendas and concerns. [6o][12c][12d]

Relations with Taiwan (ROC)

6.379. The PRC's policy with regards to Taiwan (Republic of China, ROC) is not to recognise Taiwan (ROC) as anything approaching a separate state. But as part of Chinese territory as yet unrecovered by the PLA, though entitled under the "one country, two systems" policy to the same special autonomous status as Macau and Hong Kong. [2g]

6.380. In July 1999, tensions (relations never being very good) between China and Taiwan (ROC) increased, as a result of President (of Taiwan) Lee Teng-Hui's call for ties to be on a "special state-to-state" basis. [4ap] China retaliated with large-scale joint landing exercises in coastal parts of Zhejiang province and the southern part of Guangdong province, and other shows of military force. [4av]

6.381. On the 19 March 2000 Chen Shui-bian of the Democratic Progressive Party (DPP) was elected as President of Taiwan (ROC). The election of a DPP candidate marked the end of 50 years of rule by the KMT (Kuomintang). [13i.]

6.382. On July 2003. President Chen pronounced that one country, two systems was "totally unacceptable" to the Taiwanese people due to the oppressive and totalitarian nature of the PRC. [9gy.] There are concerns in Taiwan about the purchase of high tech military equipment from Russia by the PRC and the number of missiles targeted on Taiwan (ROC). [9gz.][13i.] The PRC has denied targeting more missiles at Taiwan (ROC). [13m.]

6.383. An army colonel and a retired general were executed in September 1999 for selling military secrets to Taiwan (ROC). [4ax] Wang Ping, a local government officer in Nanchong, Sichuan province, was convicted of spying for Taiwan on 18 October 1999. He was sentenced to 10 years in prison. [4dr]

6.384. On 4 August 2003, Yang Jianli, a prominent US-based democracy activist went on trial in Beijing accused of spying for Taiwan (ROC). [9aaa.] The latest development in his case can be followed on his own website [9gab.] <http://www.yangjianli.com/>

6.385. BBC Asia reports that in recent years the Chinese authorities have detained a number of Chinese with US-connections on suspicion of spying for Taiwan (ROC). They report that most of them were convicted then expelled. [9gaa.] The US House of Representatives has cautioned the PRC that it risks damaging US-China relations if it fails to respect the human rights of US citizens detained in China. [20am.]

6.386. Jiang Zemin on Taiwan (ROC) during the 50th Anniversary speech stated "We will continue to pursue the policy of peaceful reunification and 'one country, two systems.... We will ultimately accomplish the national reunification of Taiwan, after the hand-over of Hong Kong and Macau." [4bf] The views outlined by the military are held to be more hawkish than President Jiang Zemin's views. The military, according to one source, have spent a lot of time studying the "Kosovo model", namely how NATO's air strike methods against Yugoslavia could be applied against Taiwan. [4cx] The relations between the PRC and Taiwan (ROC) remain strained after the return of Macao, with Beijing now claiming American interference as the main obstacle to cordial relations with Taiwan. [4fy] The US is obliged under the Taiwan Relations Act to make available sufficient arms for the ROC to defend itself against the PRC. In July 2003, the United States agreed to deliver 200 advanced air-to-air missiles to Taiwan (ROC). The decision to release the missiles to Taiwan (ROC) was in part prompted by China's decision to upgrade its own military hardware. [7m.]

6.387. Taiwan (ROC) has also been used as a base by Falun Gong activists to break in and broadcast Falun Gong messages on Chinese satellite television. (See below, Hong Kong) [4xk]

6.388. The BBC website produced an article on the regional differences within China in November 2002. It splits China into five main regions, with Xinjiang province and Tibet treated separately. [9gl]

Hong Kong *Special Autonomous Region*

Background

6.389. Hong Kong reverted to China on 1 July 1997 under the Sino-British Joint Declaration signed in 1994. The Joint Declaration provides for a high degree of autonomy in the Special Administrative Region and to be allowed to keep its capitalist system and lifestyle unchanged for 50 years. [1a][4c]

Current Situation

6.390. On 1 July 2003, 400,000 - 500,000 people took part in a mass demonstration against plans to amend article 23 on the mini Hong Kong constitution to include tough new security laws, which would ban any organisation determined by China to be a security risk. The Hong Kong government, and in particular it's Chief Executive Tung Chee-hwa remain committed to implementing this law. Rocked by resignations from his cabinet [15x.] and taken aback by the level of public protest, Tung is struggling to reconcile the anxiety of the protestors and the demands of the CCP. [23g.][20ao.][15y.]

6.391. On 5 September 2003, the Hong Kong executive announced that it was shelving indefinitely plans to implement the new anti-subversion bill. [10hm.]

6.392. The UN Human Rights Committee affirmed that deportation procedures in Hong Kong "should provide effective protection against the risk of imposition of the death penalty". [6t]

Elections

6.393. Turnout to the elections to the 60-seat Legislative Council (Legco) in May 1998 was higher than had been anticipated. Only 20 seats were directly elected, 30 were indirectly elected by corporate voters in functional constituencies representing professional and business bodies, and 10 by an electoral committee dominated by Beijing-affiliates. The pro-democracy Democratic Party led by Martin Lee took 13 seats; the pro-Beijing Democratic Alliance for the Betterment of Hong Kong took 9. Other parties with seats were Liberal Party (9), HK Progressive Alliance (5), Frontier (3), Citizens Party (1) and independents (20). [20a]

Dissidence in Hong Kong

6.394. During 1997-1998, Beijing respected its "one state, two systems" undertaking, although Hong Kong's Democracy Party

was excluded from the Provisional Legislature. **[4c][6I]** Tighter restrictions were imposed on public gatherings, but the Hong Kong administration did not reject any applications for demonstrations or rallies. Tens of thousands attended a demonstration on the anniversary of the 1989 Tiananmen incident, organised by the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China. Video messages were relayed to the demonstrators from Wei Jingsheng and Wang Dan in USA. There were no arrests. **[13d]**

6.395. Freedom of speech and judicial independence has been maintained. **[4i]** There were no reports of official interference in the activities of Hong Kong-based dissidents. **[4d]**

6.396. In October 1999, the April 5th Action Group planned to protest in Hong Kong's anniversary celebrations, in spite of possible police action against any disruption of the celebrations. Police and protesters tried to agree on a "protest zone": officers instructed to give verbal advice and warnings before action. **[4bi]** Two April 5th activists were later arrested for disruption after shouting from the public gallery of Legislative Council during a debate. **[4bz]** Martin Lee Chu-ming has expressed his fears for the rule of law in Hong Kong. "(The rule of law) is going downhill and the Chinese crackdown on the Falun Gong will spread to other groups in China, including the practice of Tai Chi." **[4bp]**

6.397. On 1 July 2002, the fifth anniversary of the hand-over, there were articles that claiming that the Rule of Law in Hong Kong had diminished, and that many freedoms within the SAR were fast disappearing. **[9ev]**

Mainland-born Children

6.398. On 29 January 1999, a landmark Court of Final Appeal (CFA) ruling interpreted the Basic Law (HKSAR's constitution) to give a right of abode to children of Hong Kong residents. Previous controls excluded illegitimate children and those born before one parent had become resident in Hong Kong. **[4w]** Mainland legal experts, quoted widely in the official media, condemned the CFA for claiming jurisdiction over "constitutional" matters. **[4q][20d]** The judgement lead to widespread concern in HKSAR: an official survey estimated that around 1.6 million mainlanders would be eligible to settle in Hong Kong. **[9bb]** Following an approach by the Hong Kong government, the National Peoples Congress in Beijing overruled the CFA and issued a judgement interpreting the Basic Law. **[4ah]**

Vietnamese Boat People

6.399. In January 1998, the Provisional Legislative Council announced the end of the Port of First Asylum policy for Vietnamese boat people. Vietnamese were to be treated in the same way as other illegal entrants and would be repatriated. The remaining 1,200 Vietnamese refugees were encouraged to become self-reliant in Hong Kong while awaiting resettlement. In February 2000, 1,400 people were allowed to apply for identity cards, and the matter finally closed. **[4ga][17]**

Macao *Special Autonomous Region*

6.400. The Portuguese colony of Macao was returned to China on the 20 December 1999. It was effected peacefully. **[4ex]**

6.401. A concern within Macao leading up to the hand-over was the escalating crime rate. Legitimate recognition of gambling had allegedly attracted Triad gangs and there had been a corresponding increase in crime. **[4fi]** After the hand-over, Hong Kong and Thailand were according to Hong Kong press reports, on guard for a mass exodus of such criminals. **[4fi]**

Local Officials (within PRC)

6.402. Local officials have had a long history of squeezing farmers, pre-dating the revolution. **[40c]** The cadre / farmer relationship has often been abused by the former, particularly in relation to land allocation, planning laws and birth control regulations, with many instances of personal enrichment. **[40c][40e][10au]** News reports indicate that protesting farmers see the problem being with local officials and still trust Beijing to rectify the situation. **[40e]**

6.403. In November 2000 Three officials in Anhui province were given administrative sentences of three years' imprisonment after being convicted of keeping 200 peasant farmers captive in an illicit private jail until their families paid illegal fines relating to the implementation of birth control policies. **[40d]**

6.404. Many officials, including the former Vice-Governor Hu Changqing, have been executed or punished for corruption. **[40d]** **[40f]** The central Chinese authorities are keen to make examples of such corrupt officials, to speed up the "strike hard" campaigns against corruption, and to win back the trust of the farmers. **[40f]**

Annex A: Chronology of Events after 1949

1949, 1 October: The founding of the People's Republic of China (PRC) proclaimed by the leader of the Chinese Communist Party, Mao Zedong.

1950: Beginning of Land Reform, which by 1953 involved the appropriation and redistribution of 200m acres, and violent class struggle against landlords and wealthy peasants, also the beginning of Thought Reform for intellectuals.

1954: The first Constitution adopted.

1957

May-June: The Hundred Flowers movement. Intellectuals and students invited to constructively criticise the CCP.

8 June: Anti-Rightist campaign launched - crackdown on nearly 3m rightist elements, including many of who had spoken out during the Hundred Flowers movement.

1958: The Great Leap Forward launched.

1959-61: The "Three Bitter Years" of famine.

1966-76: The Great Proletarian Cultural Revolution - rise of the Red Guards, the Cult of Mao, widespread violence and anarchy, persecution of millions. Deng Xiaoping and other officials purged.

1975: New Constitution adopted. Deng Xiaoping rehabilitated.

1976

8 January: Death of Premier Zhou Enlai.

April: Demonstrations in Tiananmen Square mourning Zhou Enlai violently dispersed. Deng Xiaoping again purged.

9 September: Death of Mao Zedong.

October: Arrest of Gang of Four. Control assumed by Hua Guofeng.

1977 July: Deng Xiaoping rehabilitated.

1978: China's third constitution introduced. Beginning of Democracy Wall movement, with large posters and demonstrations calling for reform and democracy. Third plenum of the Eleventh Central Committee marked the beginning of Deng's era, with repudiation of the mistakes of the Cultural Revolution and launch of economic reforms.

1979

29 March: Wei Jingsheng, a Democracy Wall leading figure, arrested and sentenced for "counter- revolutionary" crimes.

1 July: Criminal Law and Criminal Procedure Law adopted by the fifth National People's Congress.

6 December: Democracy Wall closed down.

1980: One-child policy announced. Economic reform initiated, expanding the role of market forces.

1982: Fourth Constitution promulgated.

1983: Launch of campaigns against crime, resulting in thousands of arrests and executions, against radical elements within the CCP, and against "spiritual pollution" ie. Western influences.

1986: Revival of the Hundred Flowers movement, followed by widespread student protests calling for increased democracy and better living conditions.

1987: Hu Yaobang, CCP General Secretary, forced to resign and replaced by Zhao Ziyang. Beginning of campaign against Western bourgeois liberalisation.

1989

15 April: Death of Hu Yaobang.

18 April: 4,000 students place a banner in Tiananmen Square commemorating Hu.

22 April: Amid spreading protests, 50,000 students occupy Tiananmen Square overnight for Hu's funeral. Up to 150,000 students march into Tiananmen Square.

13 May: Beginning of hunger strike in Tiananmen Square for several hundred students.

17 May: Protests spread to other cities, Zhao Ziyang unsuccessful in persuading students to leave Tiananmen Square. Hunger strikers now numbered 3,000. Mass marches in Beijing include one million citizens.

20 May: Martial law in Beijing announced.

3-4 June: Soldiers clash with demonstrators, killing hundreds and clearing Tiananmen Square. Arrests and detentions across the country number in the thousands.

24 June: Zhao Ziyang ousted and replaced by Jiang Zemin.

October: New regulations compelled legal registration of all social organisations; other regulations required prior approval of the Public Security Bureau of all assemblies, demonstrations and parades.

November: Resignation of Deng Xiaoping from his last government position: Chairman of Central Military Commission); replaced by Jiang Zemin.

1990

10 January: Martial law lifted in Beijing.

18 January: Release of 573 dissidents.

10 May: Release of 211 dissidents.

December: Beginning of trials for numerous prominent dissidents.

1992: Deng Xiaoping tour of southern areas, including the Special Economic Zones, calling for increase in the pace of economic growth and intensification of his reformist policies. 14th National Congress appointed new younger Politburo and Standing Committee, and appointed Jiang Zemin as President of the PRC.

1993: Launch of campaign against corruption within CCP, state bureaucracy and economic enterprises. Fourth constitution amended. Work also starts on the controversial Three Gorges Dam, scheduled for completion by the end of 2007.

1995: CCP leadership announced that ultimate Party authority passed to younger 21 member Politburo.

1996 April: Launch of 'Strike Hard' campaign against crime, resulting in hundreds of executions and life sentences.

1997

January: Criminal Procedure Law revised, including increased protections for detainees.

February: Death of Deng Xiaoping.

July: The UK hands of Hong Kong back to China; autonomy preserved by formation of the Special Administrative Region (SAR).

October: 15th Party Congress, at which Jiang Zemin outlined reform of the state owned enterprises and gave a clear signal that the leadership is addressing the issue seriously. International Covenant on Economic, Social and Cultural Rights signed.

1998

March: Jiang Zemin re-elected as President. Zhu Rongji became Premier.

April: Wang Dan paroled to USA.

May: Legco elections.

June: Clinton visit, televised live. Dissidents fail in attempt to register legitimate opposition party. Demonstration commemorating Tiananmen Square passes without obstruction in Hong Kong.

October: International Covenant on Civil and Political Rights signed on eve of UK PM's visit.

1999

May: Nato forces mistakenly bombed Chinese embassy in Belgrade.

July: Tensions increased following Taiwan's demand for "state-to-state" relations.

22 July: Falun Gong banned

1 October 1999: National day marked 50 years of Communist rule. Proceeded by severe security measures - detentions and limits on movement.

2000

February 2000: Zhong Gong declared a cult and banned

25 April 2000: First anniversary of the Zhongnanhai protests; 100 protesters arrested in Beijing.

26 June 2000: period of increased protest by Falun Gong; 1,200 practitioners arrested in 1 week.

23 January 2001: The Beijing immolations - Falun Gong protesters set themselves on fire - and subsequent crackdown on Falun Gong.

2 April 2001: EP-3 Incident, Chinese "captures" a US spy plane after forcing it to land in Chinese airspace. The Pentagon suspects that military codes were compromised by the incident.

25 April 2001: Second anniversary of the Zhongnanhai protests; some public protest in Beijing; mainly protests outside PRC.

13 July 2001: Beijing awarded 2008 Olympic games.

21 September 2001 - first reports of actions taken against "terrorists" in China, in the wake of 11 September. Executions reported of Uighur separatists in Xinjiang province.

1 October 2001: National Day: no reported Falun Gong protests.

2002

February 2002: visit by US President George W. Bush.

5 March 2002: Falun Gong interrupt cable signal in ChangChun, broadcast pro-Falun Gong programmes for an hour.

13 March 2002: Police orders allegedly escalated to shoot Falun Gong protesters on sight.

February 2003: First cases of SARS emerge in Guangdong province.

March 2003: Hu Jintao and Wen Jiabao elected President and Premier of PRC respectively.

24 April 2003: Beijing, Guangdong and Shanxi provinces as well as Hong Kong (SAR) all subject to World Health Organisation (WHO) travel warnings.

20 July 2003 Prime Minister, Tony Blair visits Beijing and Kong Kong (SAR).

23 July 2003: Chinese Ministry of Health reports no new cases of SARS or any new deaths from those already affected.

Annex B: Political Organisations

Political Dissident Groups

Chinese name (in Pinyin)	English translation of name	Date, place founded	General Notes
Minzhu Qingnian Dang	Democratic Youth Party	1993	<i>From Nipped in the Bud, HRW, September 2000 [12f]</i> "With 179 members Ceased to be active in 1992.
Zhonggou Renmin Dang	Chinese People's Party (CPP)		Ceased to be active in 1992.
Zhonggou Renmin Minzhu Dang	Chinese People's Democratic Party (CPDP)	1987, Fujian province	Ceased to be active in 1992.
Zhongguo Shihui Minzhu Dang	Social Democratic Party of China (SDPC)		Ceased to be active in 1992.
Zhongguo Ziyou Gonghui	the Free Labour Union of China (FLUC)		Ceased to be active in 1992.
Zhonggou ziyou minzhu dang	Liberal Democratic Party of China <i>Also known as the Freedom and Democracy Party</i>		Ceased to be active in 1992.
Zhonghau jinbu tongmeng	China Progressive Alliance (CPA)	27 June, 1991	Ceased to be active in 1992.

Annex C: Prominent People

Political Leaders

Chiang Kai-shek	President of Republic of China 1928-1949. After defeat by the Communists, led the regime in Taiwan until his death in 1975.
Deng Xiaoping	De facto leader of China after Mao's death. Held various positions including General Secretary of CCP and President of PRC. Advanced economic reform and introduced open door policy. Died 1997.
Hu Yaobang	General Secretary of CCP 1981-1987. Death in April 1989 led to student demonstrations.
Hu Jintao	President of the PRC, 2003 -
Jiang Zemin	President of PRC 1993 - 2003, Chairman of the Central Military Commission (CMC) 2003 -
Li Peng	Premier of PRC 1988 - March 1998. Head of Parliament March 1998 -
Li Zhaoxing (e.)	Minister of Foreign Affairs 2003 -
Mao Zedong	Chairman of CCP 1935-1976. Head of State 1949-1958. Architect of the Cultural Revolution. Died 1976.
Tung Chee-hwa (e.)	Chief Executive of Hong Kong (SAR).
Wen Jiabao	Premier of PRC, elected March 2003.
Yang Shankun	President of PRC 1988-1993. Died September 1998.
Zhao Ziyang	Holder of senior CCP posts until dismissed following the Tiananmen Square massacre in 1989.
Zhou Enlai	Premier of PRC 1949-1976. Tempered some of the worst excesses of the Cultural Revolution.
Zhu Rongji	Premier of PRC March 1998 - 2003.

(e.) Denotes those held to be 'fluent' in English.

CHINA COUNTRY REPORT

OCTOBER 2003

COUNTRY INFORMATION & POLICY UNIT

ANNEX D: GLOSSARIES

[Part I](#) Glossary 1: Chinese terms A-M

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GLOSSARY: ANNEX D

GLOSSARY 1: CHINESE TERMS

Useful in the study of Chinese social issues.

Using Pinyin transliteration

Key: *Arch.* = archaic, classical or pre-Communist usage; *Comm.* = Communist usage; *Sl.* = Slang, criminal vernacular; *Coll.* = Colloquial usage; *Off.* = Official or public administration term

Ankang	Lit. "Good Health" System of psychiatric hospitals where patients may be detained involuntarily.
Báihuà	Vernacular language; the written version of Standard Modern Chinese <i>Putonghua</i>
Baihua qifang, baijia zhengming	"Let a hundred flowers blossom and a hundred schools of thought contend."
Bianhu lushi	"defence lawyer" - in regulations and codes, used where the right to a defender becomes effective.
Bao	Reciprocity, obligation to repay a favour in a <i>guanxi</i> relationship. See also guanxi
Baojia	<i>Arch.</i> Pre-Communist identification system lit. "to who I owe"
Beigaoren	<i>Off.</i> "defendants" - term used for detainees in the early stages of legal prosecution.
Bei Li Wang	"The Appointed King Cult", a banned religious sect.
Biaoxian	<i>Comm.</i> Lit. "display"; in Communist usage it means displaying the right politically-correct attitude, commitment or enthusiasm
Bingtuán	<i>Off./ Comm.</i> Xinjiang Production and Construction Corp, a paramilitary based pioneer movement.
Bù	<i>Off.</i> Ministry (administrative rank) See also chu
Chan shazi	<i>Off. / Comm.</i> "mixing sand" colloquial name for policy of encouraging Han influx and integration in Xinjiang Province.
Changgui zanzhu renkou	<i>Off.</i> 'Conventional' temporary population - refers to migrant workers who have definite jobs / reasons for moving area
Chao gupiao	'stir-fry shares', day-trading, managing one's portfolio, actively dealing in shares
Cheng guan qu	<i>Off.</i> Metropolitan district, smaller than a municipality (Shi) typically with a city and outskirts. See also shi
Chengshi zengrongfei	<i>Off.</i> Urban infrastructural construction - an urban residence entry fee
Cheng zhen	Urban hukou (see also hukou bu)
Cho hai	<i>Sl.</i> Grass Sandal, Grass Slipper, triad messenger, number 432, working on liasons with pay-off victims, other branches of the triad, and other gangs. See also shan chu and following references.
Chu	Division (administrative rank) See also bu
Cibei Gong	Qigong group, operating in Hunan, Hubei, and Jiangxi Provinces.
Cong Sheng	"Born Again (Movement)" Unregistered Christian group, Henan Province. Also known as New Birth; Total Church; the Crying Faction (Ku Pai); and possibly the Holistic Church (Quanfanwei Jiao)
Cun	Village

Dabiao	<i>Off.</i> "project target"
Daibu	<i>Off.</i> arrest
Dang zheng jun zuzhi	<i>Comm.</i> "Party-government-army unit" A pioneer corps, most notable being the Bingtuan. See Bingtuan
Dang zhong yang	<i>Comm.</i> Central Committee of the Chinese Communist Party
Dang'an	Personal dossier containing data on an individual's work, qualifications, seniority, party membership, etc
Danwei	Work/welfare unit; also gongzuo danwei
Dengji guanli jiguan	Registration management agency; used in relation to the registration of a society
Ding'e buzhu	"fixed term subsidy"
Dongfang Shandian	"Oriental Lightning" A christian influenced unregistered group
dongyuan	"mobilise, mobilisation" Implementation method of birth control policies, whereby community leaders and neighbours are mobilised to persuade reluctant citizens to fulfill their birth control policy obligations. Harsher than persuade (<i>shuofu</i>) See shuofu
dúli + ziju	<i>Off.</i> "independent" and "autonomous" i.e. from all State control
Duozi duofu	"many sons (to bring) much happiness"
Ertong fuliyuan	<i>Off.</i> Child welfare institution. See also jingshenbingren fuliyuan; shehui fuliyuan
Fa	Law (formal, public, written); also law in the sense of formulated doctrine (as used in Falun Gong)
Fakuan xiangmu	<i>Off.</i> Penalty payments resulting from infringement of licences, birth plans, etc.
Fanzui xianyiren	<i>Off.</i> "criminal suspects" Used since 1997 to describe detainees who have not yet been prosecuted. See also renfan and beigaoren
Fenjia	<i>Arch.</i> Division of the family or the family estate
Fenshuizhi	<i>Off.</i> Tax-sharing arrangements - whereby provinces are able to keep and utilize substantial amounts of locally raised taxation
fu shan chu	<i>Sl.</i> "Number 438" the title given to a sub-boss of a triad organisation. See also shan chu and following references.
Ganbu	<i>Comm.</i> Cadre - usually refers to any party member holding a responsible position; technically, also includes non-party government officials in responsible positions.
Getihu	Individual household enterprise (less than 8 employees)
Gong An Bu	Public Security Bureau (PSB) - the national level ministry.
Gong An Ju	Public Security Bureau (PSB) - the local level force. See also Gong An Bu
Gongkai, heping, lixing, an falu	"openness, peace, reason, legality" watchwords of the China Democracy Party, a dissident organisation, in 1998.
Gongshe	Shared goods - the shared resources of an association, such as a tongxianghui or a Triad.
Gongsu	<i>Off.</i> Public prosecution
gongzhu gangyao	<i>Off.</i> "Work outline" An official document giving usually a five or ten year plan.
Guan	Official, bureaucratic
Guanxi	Social connections, used to obtain favours See also guanxixue, guanxiwang

Guanxiwang	Network of connections <i>See also</i> guanxi, guanxixue
Guanxixue	The art of social connections, <i>guanxi</i> practices. <i>See also</i> guanxi, guanxiwang
gu'er	"true" orphans, with both parents dead, as opposed to abandoned.
Guo Gong	Qigong group, operating in Sichuan Province.
Guoqing	National characteristics (in terms of cultural identity)
Haixuan	"sea election" experimental electoral innovation for village elections, piloted in Jilin Province.
Hanyu	"The language of the Han people" = 'Mandarin', standard modern Chinese = putonghua
Hei haizi	"'black' children" children born to couples outside the permitted birth plan, under family planning regulations.
Hei shehui	"black society" a broad band of criminal, semi-criminal and shady society, including Triads, common criminal gangs, and secret societies and activities.
Heung chu	"The Incense master" & also "Number 438" the title given to the officer of a triad who oversees the 'spiritual' side of the triad, overseeing rituals etc. Equal to the sub-boss of a triad organisation. <i>See also</i> shan chu and following references.
Hokkien	Regional language of Fujian and Taiwan, also known as North and South Min
Hua Gong	A traditional form of Qigong, taught outside PRC
Huaqiao	"People abroad" Overseas Chinese
Huhan Pai	"The Shouters" A christian influenced unregistered group
Hui Ling Qigong	Purported qigong group
Huji bu	Alternative name for hukou bu
hukao guanli	"household management" - mutual surveillance by householders and by the neighbourhood committee
Hukou	Household registration booklet
Hukou bu (or hukoushu or hukoubu)	Household booklet used for identification of urban residents; <i>see also</i> chengzhen
Hukou dengji bu	Household registration booklet kept by the PSB to verify legitimate urban dwellers
Hukou guanli	Household registration supervision, as done by the local police and / or cadres.
Hukou leibie	"Status" of <i>hukou</i> i.e. agricultural or 'urban'
Hukou suozaidi	Place of <i>hukou</i> registration
Hung kwan (not Pinyin)	Sl. "Red Pole" or "number 426" - the military commander of a triad, organising defence and acquisition of 'turf'. Equal to the sub-boss and the Incense Master. <i>See also</i> shan chu and following references.
Jiancha jiguan	Procuracy - a Chinese judicial agency responsible for investigating and prosecuting criminal cases.
Jianshi juliu	Off. "supervised residence" form of house arrest
Jihua danlie	Off. "Stand-alone planning Unit" an institution directly and only responsible to the State Council, bypassing ministry and provincial government control.
Jihua Shengyu Xiehui	Off. "Birth planning Organisation" an institution set up in 1980, charged with the popular participation in birth control programmes.
jiji fenzi	"activists" in relation to birth control programs, volunteers who do propaganda, monitoring and

	service work within the local community.
Jingshenbingren fuliyuan	Psychiatric welfare institutions. <i>See also ertong fuliyuan; shehui fuliyuan</i>
Jishi	Private markets
Jiti	<i>Off.</i> "collective" - Chinese classification of ownership that is neither private nor public.
Jituan gongsi	Corporation - an economic state entity.
Juchuan	<i>Off.</i> "Summons" - a form of arrest
Juliu	<i>Off.</i> "detention" - form of arrest
Jumin shenfenzheng	Individual registration card
jumin weiyuanhui	"residents committee" "neighbourhood committee" In urban areas, the lowest level of official organisation, designed to maintain ideological and social order.
Kexue	Science, as in "scientific or systematic method"
koudai hukou	"pocket hukou" Readily available documentation registering a person with a household, to present on demand, but usually fraudulent in some respect.
Kuangye Zhaimen	"Wilderness Narrow Door", A christian influenced unregistered group
Ku Pai	"the crying faction" - another name for Cong Sheng , the (Christian unregistered) Born Again Movement
Laogai	Reform through labour (camp), equivalent to prison. Inmates have been sentenced by a court under the Criminal code.
laojiao	Lit. education through labour (camp). Inmates receive administrative sentences, by a committee without trial.
laoye	<i>Arch. & now slang</i> "lord", now used mockingly to mean unelected official who lords it over taxpayers, etc.
lian	'face', moral reputation. <i>See also mianzi</i>
Liangzhong shengchang	<i>Comm.; off.</i> "Two kinds of production" Integrated planning of economic production and social reproduction.
lieshen	<i>Arch.</i> "bad gentry" oppressive, absent, and/or neglectful landlords and superiors.
lingdao	"leadership" as in a tight form of control over Village Committees. <i>See also zhidao</i>
Lingling Jiao	"Spirit Church" A christian influenced unregistered group
liudong renkou	Floating population
lushi	Lawyer, either prosecuting or defending. <i>See also bianhu lushi</i>
mangliu	Blind vagrant, blind drifter - one of the floating population (essentially an 1950s term)
Matsu	Taoist school still active in PRC
meizushi	<i>Coll.</i> "useless, lacking in ambition" perjorative label attached to migrants who do not "make it" in the West
Mentu Hui	"Disciples Association" A Christian influenced unregistered group
mianzi	'face', prestige, sense of one's own public worth
minbing	Militia <i>see also minbing yinji fendui</i>
minbing yinji fendui	Emergency Militia Units - elite militia forces.
minkaohan	<i>Coll.</i> Students from ethnic minority backgrounds who have had a regular education <i>See zhenggui</i>

	jiaoyu
minzhengju	<i>Off.</i> Local Civil Affairs Office (for registering marriages)
minzhu gaige	<i>Comm.</i> Democratic reforms. Partic. Radical changes introduced in Tibet in the 1950s.
minzhu zizhi	"democratic self-governance" applied in Village Committees.
minzu jiaoyu	Schools for local ethnicities as opposed to schools offering a regular education See zhenggui jiaoyu
moupai	household registers
mousheng zanzhu renkou	Job-seeking migrant workers (in relation to the floating population) see <i>also</i> changgui zanzhu renkou
mu	A measurement of land, usually one-fifteenth of a hectare; one-sixth of an acre. <i>Also Arch.</i> distance. Traditionally, not necessarily a standard length or area e.g. in travel, a unit that may also include the degree of difficulty of travel with a <i>mu</i> on a mountainous path being shorter than a <i>mu</i> over a flat distance.
muchang gongyou, fangmu ziyou	<i>Off.</i> "rangelands are public, grazing is free" - policy line regarding rangelands.
nei wai zhanlue	<i>Off.</i> "internal and external strategy" Beijing central government's approach to isolate and weaken cross border separatist / nationalist movements in Xinjiang Province.
nengren	<i>Off.</i> "Competent people" (in relation to skilled managers brought into State industries)
nongmin	<i>Arch.</i> peasant
nongmin de fudan	"Peasant burdens" - taxes and other financial obligations on rural villagers.
nongzhuangfei	Process of converting from agricultural to non-agricultural <i>hukou</i>
pak tsz sin	<i>Sl.</i> "White Fan" or "Number 415": the accountant officer of a triad organisation. See <i>also</i> shan chu and following references.
Peng Shanshan	A breakaway Falun Gong group based in Hong Kong
pian, hong, he	"deception, roaring, and intimidation" - unethical short-cuts taken by tax officials
pinyin	Internationally recognised system of transliterating Chinese characters into roman lettering
pujiu	<i>Off.</i> Universal nine-year education
putonghua	"the language that everyone speaks" = 'Mandarin', standard modern Chinese. See <i>also</i> Hanyu
qiangzhi de banfa	<i>Off.</i> "forceful methods". The nearest equivalent to the perjorative sense of the English phrase "coercion".
qigong, or qi-gong	An ancient system of meditation and exercise leading to physical and spiritual well-being. See <i>also</i> falun gong; falun dafa; zhong gong; t'ai chi; Qing Yang; Tian Ting Baolian
qinqing	"family bonds" - the strongest form of mutual reciprocity in (traditional) Chinese society
Qing Yang	Purported qigong group operating in PRC.
qisushu	<i>Off.</i> Indictment - a written document indicting for trial, written by the procurator.
qu	District - Administrative area larger than a township xiang but smaller than a county xian . <i>Coll.</i> Can

	refer to any sized district.
qubao houshen	Off. "taking a guarantee and awaiting trial" - a form of arrest
Quanfanwei Jiao	Holistic Church - Protestant offshoot.
Quanguo Renmin Daibiao Dahui	National People's Congress
queding	Off. "to decide (guilt)" - no presumption of innocence in trials, but deciding guilt can only be achieved through the trial process.
qunzhong	Comm. "the masses"
renfan	Off. "offenders"
renmibi (RMB)	"The people's currency"; "official" exchange rate Chinese currency and general name for Chinese currency, see yuan
renmin fating	People's tribunals
<i>Renmin Ribao</i>	<i>The People's Daily</i> , the official newspaper
renqing	Obligation - the right of one party in a guanxi relationship to ask for help from another. See also Guanxi
renshe	Coll. "Human snakes" - the victims of snakeheads
sanluan	"three unrulies" - fees, assessments and fundraising - financial obligations upon rural villagers.
shehui fuliyuan	social welfare institution. See also ertong fuliyuan ; jingshenbingren fuliyuan
shan chu	Sl. "Number 489" - the title of the head of a triad organisation See also fu shan chu ; tai-lo ; l-lo ; heung chu ; sing feng ; hung kwan ; pak tsz sin ; cho hai ; sze kau
shehui tuanti	Social associations, social organisations - new social organisations operating under registration of a national controlling body.
shequ	Off. "community" as in Chinese official project usage, of township / village level community.
shetou	Coll. "Snakeheads" with connotations of "snake-tongues". People-smugglers
shexue	Community / public / state schools See also sishu
shoushengsou	Police lock-ups
shuji	Comm. "Secretary"; term used only to mean the secretary or leading member of a committee in the CCP at any level.
shuofu	"persuade" milder form of social pressure exerted on women to comply with birth control policies. See dongyuan
sing feng	Sl. In a triad, The Vanguard, third in rank, equal to the Hueng Chu , Incense Master, and responsible for establishing new sub-groups of the triad. See also shan chu and following references.
sishu	Private schools See also shexue
sze kau	Sl. A common gang member or "soldier" of a triad organisation. Also known as a "Number 49". See also shan chu and following references.
taiji	Yin-Yang symbol
taijiquan (= T'ai Chi in non-pinyin)	Widely practised system of spiritual discipline and exercise See also qigong
tai-lo	Sl. "Elder Brother" Triad alternative name for triad boss.
tanpai	Compulsory household assessments or apportionments for development projects.
Tian Ting Baolian	Purported qigong group operating in PRC.

ting	A government department or office at provincial or autonomous region level, between a bu (ministry) and a ju (local office, department.)
tiaojie	"Mediation" where the local police mediate before disputes escalate into criminal affray.
tongxianghui	Association of people with the same birth place e.g. London Fujian Tongxianghui - an association for Fujianese in London.
tong xing lian	"same sex love" homosexuality
tongzhanbu	<i>Comm.</i> The organ of the Party devoted to forming broad "alliances" with non-Party and often non-Chinese sectors of society.
tongzhi	<i>Comm.</i> Comrade <i>lit.</i> "(one with the) same ambition"
toudu	"Steal across borders" euphemism for illegal emigration.
tufa shijian	<i>Comm.</i> "sudden incidents" phrase used in official documents to denote unorganised demonstrations.
tuji dui	Small teams, posses of enforcers of official debts
tuji yue	"shock months" crash campaign periods, usually used in relation to implementation of birth control policies.
xiagang	"Laid-off", usually made redundant from State enterprises.
xiaozu	<i>Comm.</i> "Small groups" for self-criticism and political education.
xinxing	"mind-nature" used by qi-gong groups partic. Falun Gong to indicate "spiritual health" or "spiritual outlook".
xiulian	Collective name for Falun Gong exercises
waidi laiying ren yuan	"people from other places" A more respectful variant of wailai renkou , referring to undocumented migrants by urban residents.
wailai renkou	"population from the outside" A disrespectful term used by urban residents to refer to undocumented migrants. <i>See also waidi laiying ren yuan</i>
wan	The <i>wan</i> symbol as used by the Falun Gong
wanhun, wanyu, shaosheng, you sheng	"Late marriage, late birth, few births, quality births." - family planning policy slogan (longer form)
wan, xi, shao	"Later, longer, fewer" - family planning policy slogan (shorter form)
wei yuan hui	Neighbourhood committee
wenyan	<i>Arch.</i> Scholarly classical language
Wode pengyou hen duo	"I have many friends", a euphemism for the operation of guanxi networks. <i>See also Guanxi</i>
wujing	Peoples' Armed Police (PAP) - paramilitary unit of the PLA formed in 1983 responsible for internal security, border controls, protection of state installations including prisons. <i>See also minbing</i>
xian	county
xiang	township
xiejiao zuzhi	<i>Off.</i> "heretical cult", "weird religious organisation" term used in Chinese legislation with a wider meaning than the English "cult"
xue	<i>Arch.</i> study
xuegong	<i>Arch.</i> Confucian temple-schools
yamen	<i>Arch.</i> Magistrate's hall - both residence and office. Pre-communist term.
yewu zhuguan danwei	Professional management unit (in relation to registered societies) <i>See also</i>

yihai zhengce	"one child policy" the 1979 interim measure on birth control.
Yiliya Jiao	"Elijah church" A christian influenced unregistered group from Heilongjiang Province
yin	<i>Arch.</i> (hereditary) privilege of upper rank officials
youhui zhengce	"preferential policies" policies that establish economic zones and other mechanisms to aid development.
yuan	The particular name of Chinese currency see Renmibi
yundong	<i>Off. / Comm.</i> "campaign" - method of implementation of a policy which diverts upper level resources to a lower level for a short / relatively short period of time. See also tuji yue, xuanchuan yue, and gao chao
zhang	Leader or head of organisation e.g. buzhang is a Minister in the Chinese government.
zhaogong	State-owned enterprise
zhaosheng	Higher education
zhen	Town, officially designated as such for urban hukou.
Zhen, shan, rhen	"Truthfulness, Benevolence and Forbearance"
zhencha	<i>Off.</i> "investigation" - period of police investigation after arrest
zhengce	"policy" in relation to Hukou transference See also nongzhuanfei
zhenggui jiaoyu	"regular education" taught in Mandarin to an approved curriculum See also minzu jiaoyu
zhibiao	"quota" in relation to Hukou transference See also nongzhuanfei
zhidao	"advice" as in a loose form of control of Village Committees. See also lingdao
zhongguo benwei wenhua	"On a Chinese foundation" (in relation to cultural adaption and adoption)
Zhongguo Gongchan Dang	<i>Comm.</i> The Chinese Communist Party (CCP)
Zhonggou mains dang	China Democracy Party (CDP); dissident party that attempted registration in June 1998 as an opposition party, led by Wang Youcai
Zhongguo renquan guancha	"China Human Rights Watch", dissident attempt at registration of a human rights organisation in March 1998, in Beijing by Xu Wenli.
Zhonggou zhengyi dang	"China Justice Party" - original working title of dissident party that became the China Democracy Party
Zhuajin, zhuahao	"Grasp tightly, grasp well" slogan developed in relation to the implementation of birth control policies, meaning achieve birth reduction targets, but so while avoiding coercion.
zhuxi	Chairman or Governor - the highest level official at any level.
zili kouliang	'Self-supplied food grain' relates to hukou and nongzhuanfei
zizhizhou	Prefecture - administrative area one level below a province or region, and above the level of a county.

GLOSSARY 2: ENGLISH TERMS

ACWF	All China Women's Federation
Basic Law	Constitution of HKSAR

Blue chop status	Household registry status, allowing temporary workers to legally reside in the city
cadre	elite CCP members
CCP	Chinese Communist Party
IDC	Citizen Identity Cards (introduced 1984)
lamaseries	Tibetan Buddhist monasteries and nunneries
NPC	National People's Congress
PAP	People's Armed Police
PRC	People's Republic of China
PLA	People's Liberation Army
PSB	Public Security Bureau
SAR (also HKSAR)	Special Administrative Region (Hong Kong)
snakeheads	organisers of illegal people smuggling
VC	Village Committee

GLOSSARY 3 : TIBETAN TERMS

Useful in the study of Tibetan social issues.

lamas	Spiritual leaders
lingkor	pilgrimage
rinpoche	Noble - rank in Tibetan aristocracy
srung mdud	sacred cord - talisman worn by devout Tibetans
thangkas	Icons; religious paintings, photographs used as aid to spiritual devotion

CHECKLIST OF CHINA INFORMATION PRODUCED BY CIPU: ANNEX E

Current CIPU Documents Supplementary to the Country Assessment		
Bulletins previous to those listed below are now superceded.		
(All available on the IND website under "Country Information" "China")		
Title	Subjects covered	Date of Publication
Extended Bulletin 5/2002 Grasp Tightly, Grasp Well (Birth Control Policies)	Birth Control policies, particularly the One Child Policy; and child-care arrangements	October 2002
Extended Bulletin 3/2002 (Tibet)	Issues surrounding claimants from Tibet and the Tibetan diaspora	July 2002
Extended Bulletin 4/2002 (Snakeheads)	Chinese irregular migration, People-smuggling - from PRC to the UK, and returnees	August 2002
Revolution of the Wheel, 2 nd edition	Falun Gong issues	November 2002
Extended Bulletin 2/2003 (Legal System)	Legal system, including death penalty	February 2003
Extended Bulletin 1/2003 (Double Jeopardy)	Double Jeopardy	January 2003
Extended Bulletin 3/2003	Economic reform, industrial	(April 2003)

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2a. Asylum Claims and Country Conditions, December 1995

2b. Country Report on Human Rights Practices for 1996, January 1997

- 2c.** Country Conditions and Comments on Asylum Applications, May 1994
- 2d.** Country Report on Human Rights Practices for 1998, February 1999
- 2e.** Country Report on Human Rights Practices for 1999, February 2000
- 2f.** U.S. State Department, Background Notes, China, August 1999.
- 2g.** Country Report on Human Rights Practices for 2002, March 2003
- 2h.** U.S. State Department, International religious freedom report, China (including Hong Kong and Macau), October 2002
- 2i.** Country Report on Human Rights Practices for 2001, February 2002
- 2j.** U.S. State Department, Background Notes, China, September 2001.
- 2k.** 2001 Country report on human rights practices: China, publ. 4 March 2002; *extract on Tibet, pp 49 - 57.*
- 2l.** 2001 Country report on human rights practices: Nepal, publ. 4 March 2002 - *extracts on Tibetan refugees*
- 2m.** US Justice Department, Immigration and Naturalization Service report, *Chinese State Birth Planning in the 1990s and Beyond* by Dr. Susan Greenhalgh and Dr. Edwin J. Winckler, September 2001, as part of the INS Perspective Series [PS/CHN/01/001] (Form M-531 09/28/01) and published at <http://www.ins.usdoj.gov/graphics/services/asylum/ric/documentation/pschn01001.pdf> as a PDF file.
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- 2t.** U.S. State Department, International Information Programs, *The allure of land crossings persists, although hundreds of migrants die each year*. (Accessed 30 January 2003.)
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- 2v.** U.S. State Department, International Information Programs, *Direct flights to United States desirable but rare for most illegal migrants*. (Accessed 30 January 2003.)
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- 3b.** The Hunt for Dissidents in China, October 1990
- 3c.** Women in China, September 1993
- 3d.** One-child Policy Update, January 1995
- 3e.** Economic Growth and Human Rights, December 1993
- 3f.** China: Political Dissent - an Update, June 1995
- 3g.** Canadian Immigration and Refugee Board, REFINFO, 26 November 1999, CHN33180.DOC (Falun Dafa - history, etc)
- 3h.** Canadian Immigration and Refugee Board, REFINFO, 3 December 1999, CHN33255.EX (Falun Dafa - update, etc)
- 3i.** Canadian Immigration and Refugee Board, REFINFO, 8 October 1999, CHN33002.EX (Fujian province - religious practice)
- 3j.** Canadian Immigration and Refugee Board, REFINFO, 22 September 1999, CHN32869.EX (Treatment of illegal emigrants repatriated to Fujian province)
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